This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

CR I&B
HDI
HL 4265 M

Digitized by Google

HARVARD LAW LIBRARY

GIFT OF

New York Probation Commission

Received JAN 1 8 1916.

Digitized by Google

Digitized by Google

Digitized by Google

MANUAL

FOR

PROBATION OFFICERS

IN

NEW YORK STATE

PREPARED BY

THE STATE PROBATION COMMISSION

ALBANY
J. B. LYON COMPANY, PRINTERS
1913

Digitized by Google

G.1.1B

JAN 18 1916.

Digitized by Google

THE NEW YORK STATE PROBATION COMMISSION.

COMMISSIONERS.

HOMER FOLKS ..... *New York.*
FRANK E. WADE ..... *Buffalo.*
EDWARD C. BLUM ..... *Brooklyn.*
EDMOND J. BUTLER ..... *New York.*
ALPHONSO T. CLEARWATER ..... *Kingston.*
JOHN H. FINLEY ..... *Albany.*
NICHOLAS M. PETERS ..... *Syracuse.*

HOMER FOLKS ..... *President.*
FRANK E. WADE ..... *Vice-President.*
CHARLES L. CHUTE ..... *Secretary.*
JOHN D. LYNN, 2ND ..... *Assistant Secretary.*
CLEMENT A. MUNGER ..... *Clerk and Hearing Stenographer.*
LINA J. KLINE ..... *Stenographer.*

OFFICE, THE CAPITOL, ALBANY, N. Y.

Digitized by Google

1910.	Ch. 610.	June 23.	Probation officers; appointment; duties; powers; procedure; transfers: amdg. Criminal Code, § 11a.
1910.	Ch. 611.	June 23.	Monroe county children's court: chancery procedure; detention home; probation.
1910.	Ch. 613.	June 23.	State probation commission: amdg. 1909, ch. 56, § 30.
1910.	Ch. 659.	June 25.	New York city inferior courts; children's courts; probation.
1910.	Ch. 676.	June 25.	Syracuse court of special sessions; children's court; probation.
1910.	Ch. 699.	June 25.	Adult contributory delinquency: repealing Penal Law, § 483, subdiv. 3, and adding § 494.
1911.	Ch. 651.	July 14.	Buffalo children's court and probation: repealing 1909, ch. 570, §§ 86–92, 102, 103.
1911.	Ch. 700.	July 19.	Probation in cases of public intoxication; boards of inebriety in cities of the first and second class, outside of New York City; probation officers acting as parole officers: amdg. Penal Law, § 1221, and adding to 1909, ch. 29 (the General Municipal Law), §§ 136–139b.
1911.	Ch. 757.	July 24.	New York city inferior courts; revocation of probation: amdg. 1910, ch. 659, § 100.
1912.	Ch. 419.	April 16.	Probation without conviction in cases of disorderly persons in New York City: amdg. the Greater New York charter, § 686.
1913.	Ch. 270.	April 11.	Ontario county children's court; chancery procedure; probation; probation officers.

Digitized by Google

PART II.

ANALYSIS AND EXPLANATION OF PROBATION LAWS.

CHAPTER 2.

Appointment and Compensation of Probation Officers.

PAGE

Section 1. Appointment by magistrates 25
2. Persons eligible and suitable for appointment 25
3. Civil service provisions and examinations 26
4. Appointment in writing 27
5. Oath of office 27
6. Tenure of office; removal 28
7. Salaried probation officers 28
8. Detailed probation officers 28
9. Volunteer probation officers 29
10. Expenses of probation officers 29
11. Jurisdiction of probation officers 29
12. County probation officers 29
13. Chief probation officers 31
14. Women probation officers 31
15. Bonds for probation officers 31

Digitized by Google

Digitized by Google

CHAPTER 2.

Appointment and Compensation of Probation Officers.

Section 1. **Appointment by Magistrates.** The magistrate of any court having original jurisdiction of criminal actions — i. e., any Supreme court justice, judge of a court of general sessions, county judge, police justice, city magistrate, city recorder, judge of a city court, or justice of the peace — may, from time to time, appoint one or more persons to perform the duties of probation officer. The appointment of salaried probation officers in any court having more than one magistrate, shall be by all the magistrates of such court jointly, or by a majority thereof. (*Criminal Code*, § 11-*a*, *subdiv.* 1.)

In the Court of Special Sessions of New York City the chief probation officer is appointed by the chief justice, but all other probation officers in this court are appointed by majority vote of the justices. In each Board of City Magistrates of New York City the chief probation officer for such board is appointed by the chief city magistrate of such board, but all other probation officers are appointed by majority vote of the magistrates of such board. (*New York Inferior Courts Act*, § 96.)

In the Police Court of Rochester the salaried probation officers are appointed by the commissioner of public safety. (*City Charter*, § 318.) Volunteer probation officers in this court are appointed, as elsewhere, by the judge of the court. (*City Charter*, § 480.)

When a board of inebriety is established in any city of the first or second class, and is ready to receive commitments it may appoint probation officers to serve under such board in cases of public intoxication. (*General Municipal Law*, § 138, *as amended by Laws of* 1911, *chapter* 700.)

§ 2. **Persons Eligible and Suitable for Appointment.** Any reputable citizen, male or female, may be appointed as a probation officer (*Criminal Code*, § 11-a); except that in New York City no policeman can be appointed as a probation officer in the Court of Special Sessions, the Children's Courts, or by the Boards of City Magistrates. (*Inferior Courts Act*, § 96.)

All probation officers appointed by elective magistrates must be residents of the State. A probation officer appointed by a county judge should be a resident of the county; one appointed by an elective magistrate of a court of a city, town or village, must be a resident of such city, town or village. (*Public Officers Law*, § 3.)

Digitized by Google

It is extremely important that only those should be appointed as probation officers who are properly qualified for this difficult and responsible position. It is by no means easy to secure persons who possess all the qualifications desirable. Probation officers should be of unquestioned character, of sound judgment of men and affairs, sincerely interested in helping others, and able to influence persons by example and moral suasion. While humanitarian sympathy is essential, decision, firmness and good judgment are equally necessary. Those appointed should also be tactful, well-informed and resourceful.

The first probation law of New York State did not provide for salaried probation officers, but it made eligible certain persons whose services might easily be secured because they were accessible to the courts; namely, clerks of courts, employees in the district attorney's office, and members of the local police force. A later amendment added the officers of societies for the prevention of cruelty to children and of charitable or benevolent institutions, societies and associations, and also the words, "any reputable private citizens, male or female." It is now recognized that persons should not be appointed simply because they are accessible to the court, but only when they are personally fitted for probation work. Experience has also proven that policemen, constables, deputy sheriffs and persons of a similar training and point of view, are seldom able to secure the best results in probation work.

§ 3. **Civil Service Examinations.** Under the civil service laws and rules, whenever any salaried probation officer is to be appointed in any city, or county, or in any village which has classified civil service, the appointment must be from an eligible list established by a competitive examination. This requirement does not apply to volunteer officers. When such examinations are held for city positions they are held by the local municipal civil service commission. For positions in county or village courts they are held by the State Civil Service Commission.

An appointment to be made from an eligible list must be from among the first three persons on the list who are willing to accept the appointment. If an eligible list contains less than three candidates, the magistrate or magistrates intending to make the appointment may request another examination. All appointments from an eligible list are for a three months' probationary term. Should an appointee prove incompetent or unsatisfactory, another appointment may be made from the list. (*Civil Service Law.*)

The position of probation officer in the lower courts of New York city has been properly classified as in the competitive class. (*Simons v. McGuire*, 204 N. Y. 253.)

The position of county probation officer in all counties outside of New York city was placed in the classified service through the approval by Governor Sulzer of a resolution of the State Civil Service Commission on May 1, 1913.

Digitized by Google

Examinations for the position of probation officer have usually been conducted in part orally, and credit has been allowed for experience and personal qualifications. Any civil service commission has authority to request persons familiar with probation work, to assist in framing the official announcement, the schedule of subjects and weights, and the examination questions, and in rating the candidates on both the oral and written portions as well as on experience. On several occasions representatives of the State Probation Commission have assisted in conducting such examinations.

For a presentation of considerations in favor of civil service examinations for the position of probation officer, see pages 173–183 *of the fifth report of the State Probation Commission.*

For a sample set of questions used in examinations for probation officer, see *Manual, Appendix G.*

§ 4. **Appointment in Writing.** The appointment of each probation officer must be in writing, and entered on the records of the court of the magistrate or magistrates making the appointment. A copy of the order of appointment must be delivered to the officer so appointed, and another copy must be filed with the State Probation Commission. (*Criminal Code,* § 11-*a, subdiv.* 1.)

The State Probation Commission furnishes a form (Form No. 1) for use in making appointments.

§ 5. **Oath of Office.** Every probation officer who is appointed by an elective magistrate or magistrates, is a public officer, and must, therefore, take an oath of office before entering upon his duties. The oath of office may be administered by the magistrate making the appointment, a notary public, a commissioner of deeds, or the officer in whose office the oath must be filed. The oath of a probation officer appointed by a justice of the Supreme court for one or more counties should be filed in the county clerk's office of each county in which the officer serves in the Supreme court; the oath of a probation officer appointed by an elective judge of a city or incorporated village, in the office of the clerk of such city or village; and the oath of a probation officer appointed by a county judge or by a justice of the peace of a town, in the office of the county clerk. (*Public Officers Law,* § 10.)

The State Probation Commission will, upon request, furnish blanks for use in filing the oath of office.

Digitized by Google

§ 6. **Tenure of Office; Removals.** Probation officers hold office during the pleasure of the magistrate or magistrates appointing them, or during the pleasure of the successors of such magistrates. (*Criminal Code*, § 11-*a*, *subdiv.* 1.)

Any magistrate or magistrates appointing a probation officer, or any successor or successors of such magistrate or magistrates, may remove such probation officer from office at any time.

In New York city either the chief justice, or the majority of the justices, of the Court of Special Sessions (including the Children's Courts) may, at pleasure, remove any probation officer from such court; and either the chief city magistrate, or the majority of the city magistrates, of a board of city magistrates may at pleasure remove any probation officer from such board. (*Inferior Courts Act*, § 96.)

In Buffalo either the chief justice or the majority of the judges of the City Court may at pleasure remove any probation officer from such court. (*Laws of* 1909, *chap.* 570, § 100.)

Any magistrate or magistrates appointing a probation officer may, in their discretion, fix the term of office.

§ 7. **Salaried Probation Officers.** The board of estimate and apportionment in the city of New York, or the appropriate fiscal board or body of any other city or village, or the board of supervisors of any county, may determine whether probation officers, not detailed from other branches of the public service, shall receive a salary. Such a board or body may fix the amount of the salary and provide for its payment. (*Criminal Code*, § 11-*a*, *subdiv.* 1.)

The law makes no provision for the compensation of probation officers appointed by a justice of the Supreme court, or by a justice of the peace of a town. Justices of the Supreme court and justices of towns are authorized, however, to use the services of salaried county probation officers.

It seems undesirable to compensate probation officers by fees. Salaries are preferable.

§ 8. **Detailed Probation Officers.** Public officers or employees detailed from other branches of the public service of any county, city or village, are not allowed to receive any additional compensation from such respective county, city or village for acting as probation officer. (*Criminal Code*, § 11-*a*, *subdiv.* 1.)

In the Court of Special Sessions, the Children's Courts, and in the Boards of City Magistrates of New York City, no policeman can be appointed or serve as a probation officer. (*New York City Inferior Courts Act*, § 96.)

Digitized by Google

§ 9. **Volunteer Probation Officers.** In the eyes of the law, any probation officer not salaried under that title from public funds, nor detailed from another branch of the public service, is a volunteer probation officer. Such volunteer officers if employed by private societies or private individuals to devote a large part or all of their time to probation work are often referred to as "privately salaried probation officers."

§ 10. **Expenses of Probation Officers.** The authorities empowered to appropriate salaries for probation officers, may provide also for the expenses of probation officers. (*Criminal Code,* § 11-*a*, *subdiv.* 1.)

Inasmuch as the proper operation of a probation office demands a certain amount of clerical and stenographic work, it is a matter of economy for municipalities and other like communities employing probation officers to furnish them with the services of a stenographer, preferably one who is able to devote his or her whole time to the work of the probation office.

All public officers — which includes volunteer probation officers — who are not paid for their services are entitled to be paid their actual expenses necessarily incurred in the discharge of their official duties. (*Public Officers Law,* § 64.)

The items for which probation officers are paid their expenses, include carfare, postage, stationery, office furniture, telephone, telegraph and messenger service, and expenses to conferences of probation officers.

§ 11. **Jurisdiction of Probation Officers.** The appointment of a probation officer, other than a salaried county probation officer, confers authority upon such probation officer to serve only within the jurisdiction of the court of the magistrate or magistrates making the appointment. (*Criminal Code,* § 11-a, *subdiv.* 1.) The only exceptions are in the cases of a salaried county probation officer (*see Manual,* § 12), and of a probation officer who supervises a probationer received on formal transfer from a court or magistrate in another county (*see Manual,* § 40).

§ 12. **County Probation Officers.** A probation officer salaried by a board of supervisors and appointed by a county judge, may, without further appointment, serve in any or all courts in the

Digitized by Google

county except in the courts of cities of the first and second class. (*Criminal Code,* § 11-a, *subdiv.* 1.)

Such probation officers are generally known as county probation officers. Cities of the first and second class are those having a population of 50,000 or more inhabitants according to the latest Federal or State census.

In a small county one paid county probation officer can cover the entire county. He can usually arrange to be in different places on different days.

In a few of the larger counties it is desirable to have two or more county probation officers, and to assign each officer either to a certain section of the county — preferably to the section in which he resides, or to certain courts. In a few of the largest counties the work in the Supreme and county courts alone may engage a probation officer's entire time, but ordinarily an officer can serve in all the courts in the county.

There is much advantage in having a county probation officer who serves in several courts, instead of having several probation officers, each serving in only one court. A county probation officer is likely to be selected with more care, and to be better qualified for probation duties. He usually takes more interest in his duties, and feels more responsible for their proper discharge. By acting in different courts, by dealing with a greater variety of conditions, and by becoming acquainted with a larger number of offenders, he tends to become more expert. The same offenders may appear from time to time in different courts in the same county, and the knowledge of such persons gained by the officer in one court may be valuable to other courts. The records of investigations and of probation cases kept by a county probation officer are often serviceable to courts throughout the county. It is also often desirable to have the county probation officer who has made the original investigation of a case in a lower court, follow the case if it is transferred to a higher court.

In the absence of a salaried county probation officer it would be necessary, in order to secure probation service in all courts in the county, to have practically all the magistrates in the county appoint probation officers. In a county having twenty-five police justices and justices of the peace, for instance, it would be impossible, unless there were a salaried county probation officer, for any of these justices to use probation unless he or another justice of the same court appointed a probation officer especially for his particular court. Even then, the outcome would probably be unsatisfactory for the law does not permit towns to pay salaries to probation officers. The only way, therefore, by which justices of the peace in towns can avail themselves of the services of a paid probation officer is by having the county employ a county probation officer.

See pamphlet, "*County Probation Officers,*" published by the State Probation Commission.

Any county officer who receives or is authorized by law to receive any money on account of fines or penalties shall annually make a written report to the board of supervisors on November 1. (*County Court Law,* § 243, *being chap.* 11 *of the Consolidated Laws.*)

Digitized by Google

§ 13. **Chief Probation Officers.** The appointment of chief probation officers is authorized by law in the New York Court of Special Sessions (including the Children's Courts) and in each Board of Magistrates in that city (*New York Inferior Courts Act,* § 96); in the City Court of Buffalo (*Laws of* 1909, *chap.* 570, § 100); in the Court of Special Sessions (including the Children's Court), of Syracuse (*Laws of* 1910, *chap.* 676, § 32); in the County Court, Children's Part, of Monroe county (*Laws of* 1910, *chap.* 611, § 11); and in the County Court, Children's Part of Ontario county (*Laws of* 1913, *chap.* 270, § 11).

Salaried probation officers are sometimes designated as chief probation officers in other places. A chief probation officer is usually expected, acting under the direction of the court and the magistrate or magistrates thereof, to exercise general oversight over the work of the other probation officers in the court; to secure, train and direct volunteers; to determine the methods of dealing with cases; to have general superintendence of the records, accounts and administrative work of the office.

§ 14. **Women Probation Officers.** In the Children's Court of Buffalo the appointment of a woman probation officer is required. (*Laws of* 1911, *chap.* 651, § 524.) The appointment of women probation officers is permitted in any court.

A number of courts have women probation officers, and in many instances they are salaried and devote their entire time to probation work. It is especially important that female defendants and female probationers be investigated and supervised by women probation officers rather than by male officers.

§ 15. **Bonds for Probation Officers.** In certain courts the probation officers who collect money from probationers are required to furnish bonds. This is a wise precautionary measure and should be followed wherever probation officers are frequently called upon to make such collections.

Digitized by Google

Digitized by Google

CHAPTER 3.

Court Procedure and Practice Concerning Probation.

PAGE

Section 20. Preliminary investigations by probation officers....35
21. Persons eligible and suitable for probationary treatment....36
22. Suspension of imposition of sentence; suspension of execution of sentence....37
23. Placing defendants on probation....39
24. Aid and supervision by probation officer....41
25. Probationary period....41
26. Probationary conditions....42
27. Modification of probationary period and conditions....43
28. Payment of fines by probationers....44
29. Restitution by probationers....45
30. Reparation by probationers....45
31. Support of wife and children by probationers....46
32. Probation in cases of adult contributory delinquency....46
33. Violations of, or non-compliance with, probationary conditions....47
34. Extension of probationary period in cases of absconders....48
35. Re-arrest of probationers; bench warrant; return and surrender to court....48
36. Extradition of absconders....48
37. Revocation of probation; commitment....49
38. Discharge of probationers....50
39. Transfer of probationers to another probation officer in same court..50
40. Transfer of probationers to probation officer in another county....50
41. Transfer of probationers from Supreme court to county court of same county....51
42. Appeals by probationers....52
43. "Informal" and "unofficial" probation....53
44. Release by county court of disorderly persons from institution on parole under probation officer....53

Digitized by Google

Digitized by Google

CHAPTER 3.

Court Procedure and Practice Concerning Probation.

§ 20. **Preliminary Investigations by Probation Officers.** A court or magistrate may direct a probation officer, serving within the jurisdiction of such court or under the direction of such magistrate, to inquire into the antecedents, character and circumstances of any person accused within the jurisdiction of such court, and into the mitigating or aggravating circumstances of the offense of such person, and to report thereon in writing to such court or magistrate. (*Criminal Code,* § 11-a.)

The purpose of a preliminary investigation is to ascertain such facts concerning the history, associations, environment, circumstances, habits, tendencies and abilities of a defendant, as will aid the court in determining whether the defendant should be placed on probation or be dealt with otherwise. Its purpose is not to secure evidence as to the guilt or innocence of the defendant, but information which will enable the court to know whether the defendant's personality, record, and relations to society seem to indicate that he is suitable for probation.

In the case of a child, for instance, it may be important to learn whether he has a good or bad home; where he spends his evenings; what sort of companions he associates with; whether he attends school regularly and is a good student; whether he has any bad habits; whether he has ever been arrested before or been in any institution, or whether his delinquency may be due to any physical or mental defect. In the case of an adult it may be important to learn whether the defendant has a family dependent upon him; whether he works regularly; whether he is addicted to drink, gambling or other evil practices; whether he has a reputation for honesty and truthfulness; how he spends his money, or whether he is likely to be dangerous if left at large in the community.*

The only aspect of the offense which a probation officer is expected to inquire into — if indeed he is directed to investigate the offense at all — is whether it was committed under mitigating or aggravating circumstances. Sometimes an offense is purely accidental or committed through coercion, or under circumstances which are so extremely tempting or provoking as to make the offense more or less pardonable. For instance, a person convicted

---

* Experience shows that a large proportion of offenders suffer from physical or mental defects, which may contribute more or less to their delinquency. Such defects can be discovered through an examination by a competent physician or psychologist. Such examinations are being made in an increasing proportion of cases, especially in children's courts.

Digitized by Google

of larceny or forgery might have been irresponsible, through drink or otherwise, at the time of the act; a person convicted of assault might have committed the act in self-defense. Such circumstances are often adequate reasons for mitigating or lessening the punishment. On the other hand, the circumstances under which another offense was committed may clearly indicate that the act was deliberate and thoroughly malicious, showing a confirmed anti-social attitude. In other words, the only inquiries which a probation officer is usually expected to make concerning the offense — if he is required to make any such inquiries at all — are whether the circumstances under which it was committed seem to justify a severe sentence, or whether they show that the offender should be dealt with by less severe measures.

Since preliminary investigations are made, as a rule, after the defendant has been convicted, and it is usually necessary to adjourn the case long enough to enable the probation officer to make his investigation and report his findings to the court or magistrate. In making such an investigation it is often desirable for the probation officer to avail himself of the services of an interpreter. Children, relatives, neighbors or friends of a defendant cannot be relied upon as interpreters in most cases.

Such an investigation is called a "preliminary" investigation because it is preliminary to sentence or probation, and is distinguished from those investigations which a probation officer makes concerning his probationers after they have been placed on probation. (*See Manual*, § 53.)

§ 21. **Persons Eligible and Suitable for Probationary Treatment.** In a court which prosecutes cases by indictment a person cannot be placed on probation unless there is discretion as to the extent of punishment prescribed by law for the specific offense, and there seems to be circumstances in mitigation of punishment. (*Criminal Code*, § 483.) A court cannot suspend sentence in the case of a person who is convicted of a crime punishable by more than ten years' imprisonment, and who has been convicted of a felony before. (*Penal Law*, § 2188.) Since the suspension of sentence is necessarily preliminary to probation, it follows that no person described in Penal Law, § 2188, may be placed on probation. This latter provision applies only to courts which prosecute cases by indictment, because no lower court has jurisdiction over crimes punishable by a sentence of ten years' imprisonment.

Boys, girls, men and women may be placed on probation. In the lower courts there are no restrictions concerning the persons who may be placed on probation.

A person who is convicted in New York State of a felony, and who has been convicted in another State of a crime punishable by imprisonment in a State prison in that State, cannot be considered as a first offender. (*Attorney-General, Opinion No.* 279, *Nov.* 23, 1909.)

Digitized by Google

No hard and fast rules can be laid down for determining the suitability of defendants for probationary treatment; each case must be considered upon its merits. It may be stated as a general proposition, however, that probation is intended primarily for the treatment of persons who do not habitually offend, and who are likely to follow a proper course of conduct if released on probation. In judging whether probation is wise, the chief consideration should usually be given not to the offense, but to the offender. Those convicted of a serious offense, as a felony, are sometimes more suitable for probation than those guilty of a minor offense. Persistent violators of the law, mental defectives, persons who have no desire to reform, and those whose environment is hopelessly unfavorable, cannot, as a rule, be expected to satisfy the requirements of probation. Provision is made in New York City for the mental examination of all children arraigned before the court who appear to be mentally defective. Such examination is to be conducted by one or more physicians duly appointed by the mayor of the city of New York and upon conclusion of the examination a report is to be submitted to the court setting forth the results. If the child is declared to be mentally defective or feeble-minded, a further investigation may be ordered, or the justice may commit the child to a public institution of the State or of the city of New York authorized to receive mental defectives and feeble-minded persons.

The best way of ascertaining whether a defendant is suitable for probation is through a preliminary investigation by a probation officer. (*See Manual*, § 20 and § 53.)

§ 22. **Suspension of the Imposition of Sentence; Suspension of the Execution of Sentence.** Probation, except where a special procedure is provided for children as in New York City, Buffalo, Syracuse and Monroe county, is super-imposed upon, or added to, the suspension of sentence. (The term, suspension of judgment,— signifies the same as suspension of sentence.) There are two kinds of suspension of sentence — the suspension of the imposition of sentence, and the suspension of the execution of sentence.

(a) **Suspension of the imposition of sentence.** Any court after convicting or otherwise adjudging a defendant guilty, may, in its discretion, refrain for the time being from naming or imposing any sentence, and in place thereof may conditionally give the defendant his liberty on good behavior. Such a postponing or deferring of the imposition of sentence is known as suspension of the imposition of sentence. This practice is usually meant when one uses the term, "suspended sentence," or "suspended judgment."

After suspending the imposition of sentence a court in its discretion may at any time within the longest period for which the defendant might have been sentenced, have the defendant again

Digitized by Google

brought before the court, and may thereupon impose any sentence which it might have imposed at the time the defendant was originally convicted. (*Criminal Code,* § 470-a; *Penal Law,* § 2188.)

The only cases in which the imposition of sentence may not be suspended are in courts prosecuting cases by indictment when the defendant is punishable by a maximum term of imprisonment exceeding ten years and has been convicted of a felony before, or when there is no discretion as to the extent of punishment prescribed by law. (*Penal Law,* § 2188, *Criminal Code,* § 483.)

The power to suspend sentence after conviction, is inherent in every court of record having criminal jurisdiction. (*People ex rel. Forsyth v. Court of Sessions,* 141 *N. Y.* 293.)

A court of special sessions has similar power. (*People ex rel. Dunnigan* v. *Webster,* 86 *Hun* 73, 14 *Misc.* 617, 11 *N. Y. Cr.* 484.)

In Massachusetts a practice corresponding to the suspension of the imposition of sentence is known as placing a case on file. The Massachusetts Supreme court has declared that an indictment or complaint cannot lawfully be placed on file — (that is, the imposition of sentence cannot lawfully be suspended) — without the consent of the defendant, who has a right to have his case finally disposed of without unreasonable delay. (*Marks* v. *Wentworth,* 199 *Mass.* 44.)

The constitutional and statutory provisions that no person who has been convicted of a felony may register or vote at any election, do not include a case where, after a verdict of guilty, the court suspends sentence and no judgment is entered. (*People* v. *Fabian,* 192 *N. Y.* 443.)

(b) Suspension of the execution of sentence. If, on the other hand, the court names or imposes a sentence, and then announces that if the defendant will behave properly after being released from custody, the sentence will not be carried into effect, such withholding of the enforcement of the penalty is known as suspension of the execution of sentence.

The execution of sentence may be suspended when a sentence of imprisonment has been imposed as the alternative of paying a fine, and the court desires to postpone the execution of the sentence of imprisonment in order to allow the defendant time in which to pay the fine. (*Criminal Code,* §§ 483, 718. *See Manual,* § 28.)

As a matter of practice the execution of sentence is sometimes suspended in other cases. This right is recognized by court decisions.

In case of any violation of the conditions under which a defendant is released, the punishment which may be enforced, differs, when the execution of sentence has been suspended, from that which may be enforced when the imposition of sentence has been suspended. If, after the execution of a sentence has been suspended, the defendant is returned to court for sentence,

Digitized by Google

the court cannot impose a new sentence, but must put into effect the sentence which it originally imposed. This sentence, however, can be executed only for its unexpired portion. For instance, if a court on January 1, imposed a sentence of six months (which would expire on June 30) in the X jail, and then suspends the execution of the sentence, and if the defendant is returned to the court on June 1 for violating the conditions of the suspension of the execution of sentence, he can be committed only to the X jail which was named in the original sentence, and only for the outstanding portion of the period originally named — that is, for the thirty days between June 1 and June 30. If, on the other hand, the court has suspended the imposition of sentence, and the defendant then violates the conditions of his release and is returned to court on June 1, the court is free (within the limits of the law) to choose between imprisonment or a fine or some other penalty, and if it decides on imprisonment it can choose the institution which seems most suitable. Moreover, the court can impose a sentence of as many days or months or years, beginning from June 1, as it could have imposed on January 1.

When the execution of sentence is suspended, the court loses jurisdiction over the defendant as soon as the maximum period for which the defendant was originally sentenced, has expired. (*In re Webb*, 89 *Wis.* 354, 27 *L. R. A.* 356.)

(c) **Practical Weaknesses of Suspension of Sentence Without Probationary Oversight.** From the standpoint of effectiveness the chief weaknesses of suspension of sentence (either suspension of the imposition of sentence, or of the execution of sentence), when unaccompanied by probationary oversight, are (1) that in the absence of a probation officer the court cannot keep properly informed concerning the defendant's subsequent conduct and condition, and therefore is less likely to learn whether he violates the conditions of his release; and (2) that the defendant while under suspended sentence is given no friendly counsel or practical assistance in aiding him to improve his habits or circumstances.

§ 23. **Placing Defendants on Probation.** Persons are placed on probation after conviction and the suspension of sentence, or after other adjudication against them, by being conditionally released under the oversight of a probation officer. The release is conditional upon their good behavior, and upon their observance of certain probationary conditions which are usually named by the court or magistrate. (General provisions: *Criminal Code*, § 11-a, *subdiv.* 4. In courts prosecuting cases by indictment: *Criminal Code*, §§ 483, 487. In inferior courts: *Penal Law*, § 2188.)

Except as indicated below in this paragraph, no person can be legally placed on probation until after conviction. In New York City, Buffalo and Syracuse, children adjudged to be in need of the care and protection of the State may be placed on probation

Digitized by Google

without being convicted. (In New York City: *Laws of* 1910, *chap.* 659, § 39, and *Penal Law,* § 486, *subdiv.* 9. In Buffalo: *Laws of* 1909, *chap.* 470, § 92; *Laws of* 1911, *chap.* 651, § 521. In Syracuse, *Laws of* 1910, *chap.* 676, § 31.) Also in Monroe county and Ontario county children adjudged to be delinquent, neglected or otherwise in need of the care or discipline and protection of the State, may be placed on probation without being convicted. (In Monroe county: *Laws of* 1910, *chap.* 611, § 7. In Ontario county: *Laws of* 1913, *chap.* 270, § 7.) Adults charged with contributing to the delinquency or offense of a child may, upon their consent, be placed under the oversight of a probation officer, without being convicted. (*Penal Law,* § 494, *subdiv.* 2; *see Manual,* § 32.)

A minor child (that is, a person under twenty-one years of age), placed on probation in a court prosecuting cases by indictment, shall, when practicable, be placed under a probation officer of the same religious faith as that of the child's parents or guardian. The parents, guardian, or master of such minor child shall be summoned to be present in court when the child is placed on probation, and shall be informed by the court of the action taken. (*Criminal Code,* § 483.)

One of the most vital forces making for right conduct is religion. The statute recognizes that in stimulating a probationer to a realization of his duties and in aiding him in their performance, a probation officer of the same faith as the probationer, ordinarily, and especially in case of juveniles, would more readily be able to reach and influence the probationer, and declares that unless in any particular case there are facts which make this impracticable, the probation officer of a minor child should be of the same faith as the probationer. In all cases, however, the probation officer should recognize that religion is one of the strongest factors in conduct, and should enlist the active co-operation of those to whom the probationer would naturally look for spiritual advice and direction.

The probation officer under whom a probationer is placed, should be one duly appointed and authorized to serve in such court, or under such magistrate. (*See Manual,* § 12 *and* § 51 *concerning county probation officers, and* § 40 *and* § 41 *concerning transferred probationers.*)

It is desirable that when a defendant is placed on probation, an entry of the fact, and of the name of the probation officer should be entered on the court records. The probation officer should be notified immediately of the fact and of the probationer's name and address.

Persons are placed on probation only by a court, except that in cases over which a magistrate has summary jurisdiction (as disorderly persons), the defendants may be placed on probation by a magistrate sitting not as a court, but as a magistrate.

Digitized by Google

§ 24. **Aid and Supervision by Probation Officer.** After persons are placed under the oversight of a probation officer, the latter must keep informed concerning the conduct and condition of all such probationers, and aid and encourage them by friendly advice, admonition and other means to bring about improvement in their conduct and condition. (*Criminal Code,* § 11-a, *subdiv.* 2.)

The most vital and influential elements in probation are the labors of the probation officer in aiding and supervising those on probation.

(*See Manual,* §§ 55, 56.)

§ 25. **Probationary Period.** The period of probation may be determined by the court. Except as otherwise provided below, children may be kept on probation until their eighteenth birthday; adults convicted of an offense less than a felony (unless the offense be public intoxication) may be kept on probation for not exceeding two years, and adults convicted of a felony for not exceeding five years. (*Criminal Code,* § 11-a, *subdiv.* 4.) Those found to have been publicly intoxicated outside of New York City may be kept on probation for not exceeding one year. (*Penal Law,* § 1221, *subdiv.* 1, as amended by *Laws of* 1911, *chap.* 700.)

In Buffalo a child may be placed on probation for not exceeding three years; an adult convicted of a misdemeanor for not exceeding two years; and an adult convicted of a lesser offense for not exceeding one year. (*Laws of* 1909, *chap.* 570, § 103 *and* § 104. The provisions relating to children were superseded by *Laws of* 1911, *chap.* 651, § 526.)

In the New York City Court of Special Sessions, the Children's Courts, and the Boards of City Magistrates, the provisions concerning the periods of probation are similar to those in Buffalo. (*Laws of* 1910, *chap.* 659, § 98 *and* § 99.)

In the Syracuse Court of Special Sessions and the Children's Court, the provisions concerning the periods of probation are similar to those in Buffalo and New York City. (*Laws of* 1910, *chap.* 676, § 34 *and* § 35.)

In the Yonkers Court of Special Sessions, Children's Part, a child may be kept on probation for not exceeding one year. (*Laws of* 1908, *chap.* 452, § 15.)

Digitized by Google

Under the law conferring jurisdiction upon the Monroe County Court to hear cases of children after December 31, 1910, a child may be kept on probation until his or her twenty-first birthday. (*Laws of* 1910, *chap.* 611, § 12.) The same provision is made by the law conferring similar jurisdiction upon the County Court of Ontario county. (*Laws of* 1913, *chap.* 270, § 12.)

When a fine has been imposed and the execution of an alternative sentence of imprisonment has been imposed, the period of probation ends as soon as the fine is paid. (*See Manual*, § 28.)

At any time during the probation, the court may modify the period, by either shortening or lengthening it, provided that the original period, plus any additions, shall not exceed the maximum period for which the defendant might originally have been placed on probation.

A probation officer has no power to fix or modify the probationary period unless authorized to do so by the court or magistrate.

The provisions of section 11-a of the Code of Criminal Procedure relating to the periods of probation are not retroactive and do not apply to the cases of persons who were placed on probation prior to September 1, 1910, the date on which these provisions went into effect. Adults placed on probation before September 1, 1910, may not be kept on probation for longer than the maximum period for which they might originally have been committed. (*Penal Law*, § 2188.)

(*See Manual*, §§ 27, 34, 35, 37.)

§ 26. **Probationary Conditions.** The court, or in cases over which a magistrate has summary jurisdiction, the magistrate, who places a person on probation may determine the conditions which the probationer shall observe while on probation. The conditions may be such as the court or magistrate shall in its or his discretion prescribe, and may include, among other provisions, any or several of the following:

(a) That the probationer shall indulge in no unlawful, disorderly, injurious or vicious habits;

(b) Shall avoid places or persons of disreputable or harmful character;

(c) Shall report to the probation officer as directed by the court or probation officer;

(d) Shall permit the probation officer to visit him in a reasonable manner at his place of abode or elsewhere;

(e) Shall answer any reasonable inquiries by the probation officer concerning his conduct or condition;

Digitized by Google

(f) Shall, if a child, of compulsory school age, attend school;

(g) Shall, if an adult, or if a child but not required to attend school, work faithfully at suitable employment;

(h) Shall remain or reside within a specified place or locality;

(i) Shall abstain for a reasonable period from the use of alcoholic beverages, if the use of the same contributed to his offense;

(j) Shall pay in one or several sums a fine imposed at the time of being placed on probation;

(k) Shall make reparation or restitution to the aggrieved parties for actual damages or losses caused by his offense;

(l) Shall support his wife or children. (*Criminal Code,* § 11-a, *subdiv.* 4.)

A statement of the conditions of probation must be furnished to each probationer by the probation officer, who shall also instruct the probationer concerning the same. (*Criminal Code,* § 11-a, *subdiv.* 2.)

The specific conditions imposed upon different probationers will naturally vary according to the peculiarities and special needs of each case.

A probation officer has no authority to determine or modify the conditions of probation unless the court or magistrate so authorizes him.

The written statement of the conditions of probation is not to be regarded as a binding contract between the court or its probation officer and the probationer, but rather as a general statement of what the court and the probation officer intended to require from the probationer while on probation. (*Commonwealth* v. *McGovern,* 183 *Mass.* 238.)

§ 27. **Modification of the Probationary Period and Conditions.** After the period and conditions of probation are fixed, they may at any time during the probation be modified by either the court or the magistrate. (*Criminal Code,* § 11-a, *subdiv.* 4.)

The word, modify, as used in the statute, must be read in connection with the first sentence quoted therefrom, fixing the length of time that a defendant may be put on probation. Looking at it in this light the statute may be construed as permitting the court or magistrate to extend the probationary period, whenever the defendant has violated the conditions imposed upon him, only to the extent of the maximum period for which he might have been originally placed upon probation. (*Attorney-General, Opinion No.* 82, *Feb.* 23, 1911.)

When the period or conditions of probation are modified in any way it is the duty of the probation officer to instruct the probationer regarding the same.

Digitized by Google

§ 28. **Payment of Fines by Probationers.*** There are two methods by which persons may be required to pay fines while on probation.

(a) A court in suspending the imposition of sentence and placing a person on probation, may require that while on probation, he shall pay in one or several sums a fine imposed at the time of being placed on probation. Under this method, the probation may continue after the fine is paid. (*Criminal Code,* § 11-a, *subdiv.* 4.)

(b) A court may impose a fine and direct that if the defendant does not pay the fine at once, he shall be imprisoned until it is paid, and then suspending the execution of this sentence of imprisonment, the court may place the defendant on probation during such suspension, and require him to pay the fine while on probation. When this method is followed, the judgment must be satisfied and the probation cease as soon as the fine is paid. (Provisions applying to courts which prosecute cases by indictment: *Criminal Code,* § 483. Provision applying to inferior courts: *Criminal Code,* § 718.)

Probation officers must keep accurate and complete accounts of all moneys collected from probationers in fines; give receipts therefor, and make at least monthly returns thereof. (*Criminal Code,* § 11-a, *subdiv.* 2.)

The first method makes the payment of the fine supplementary and secondary in importance, to the probation; the second makes the payment of the fine the chief end. The first method enables the court to keep the offender on probation as long as seems desirable; the second may enable the offender, by paying the fine promptly, to shorten the probationary period.

Whichever of these two methods is used, the fine may be paid in instalments, and through the probation officer.

---

*A defendant who cannot pay a fine when imposed is usually, because of his inability to pay, committed to jail or some similar institution. When it is desirable to fine a poor person, probation affords a means whereby the court can permit the defendant to pay the fine in instalments, adjusted in size to the financial circumstances of the defendant and his family. This prevents imprisonment because of poverty; it lessens the liability of causing suffering among the innocent; it requires the defendant to earn his own fine by honest work; it increases the public revenues collected from fines, and at the same time it gives the defendant the benefit of the probation officer's friendly influence and aid.

Digitized by Google

§ 29. **Restitution by Probationers.*** A court, upon consent of a defendant and as a condition of probation, may require him while on probation, to make restitution to the aggrieved parties in an amount to be fixed by the court, not exceeding the actual loss or damages caused by his offense. (General provisions: *Criminal Code,* § 11-a, *subdiv.* 4. In courts prosecuting cases by indictment: *Criminal Code,* § 483, *subdiv.* 2. In inferior courts: *Criminal Code,* § 718. Restitution may be made in instalments, and through the probation officer. Probation officers must keep accurate and complete accounts of all moneys collected in restitution, give receipts therefor, and make at least monthly returns thereof. (*Criminal Code,* § 11-a, *subdiv.* 2.)

If, for instance, a defendant has stolen goods valued at $10, the court may require such person while on probation, either to return the stolen goods or to pay their full value to their former and legitimate owner.

Care should be exercised to avoid letting the court become a collection agency.

The primary object should be not to reimburse the person who has suffered loss but to teach the probationer a practical lesson and exert a reformatory influence.

§ 30. **Reparation by Probationers.*** A court, upon consent of the defendant and as a condition of probation, may require him while on probation to make reparation to the aggrieved parties in an amount to be fixed by the court, not exceeding the actual loss or damages caused by his offense. (General provisions: *Criminal Code,* § 11-a, *subdiv.* 4. In courts prosecuting cases by indictment: *Criminal Code,* § 483, *subdiv.* 2. In inferior courts: *Criminal Code,* § 718.) Probation officers must keep accurate and complete accounts of all moneys collected in reparation, give receipts therefor, and make at least monthly returns thereof. (*Criminal Code,* § 11-a, *subdiv.* 2.)

If, for example, a defendant convicted of malicious mischief has broken a window or a fence, the court may require the defendant while on probation

* The difference between restitution and reparation is, in brief, this: Restitution is the refunding of stolen property or the payment of the money value of property stolen, to the owner of such property. Reparation is the repairing of damages either to property or to the person.

Digitized by Google

to buy and set a new pane of glass, or to repair the fence, as the case may be; or the defendant may be required to pay for having the same done. If a defendant convicted of assault has injured his victim to an extent requiring the services of a surgeon or physician, the court may require the defendant while on probation to pay for such surgical or medical services.

§ 31. **Support of Wife and Children by Probationers.** A defendant convicted of felonious abandonment (*Penal Law,* § 480) may be required while on probation to support his children. (*Criminal Code,* § 483, *subdiv.* 2.) A person convicted of being a disorderly person (*Criminal Code,* § 899, *subdiv.* 1 *or* 2) may be required while on probation to support his wife or children. (*Criminal Code,* § 11-a, *subdiv.* 4.) The court may require that payments for such support be made in weekly or other instalments, and through the probation officer. Probation officers must keep accurate and complete accounts of all moneys collected for family support, give receipts therefor, and make at least monthly returns thereof. (*Criminal Code,* § 11-a, *subdiv.* 2.)

The amount of the payments is to be determined by the court.

The payments are sometimes made by the husband directly to the wife. If this is done the probation officer should make frequent inquiries to verify that the payments are made, and that the husband does not demand or forcibly take the money back. In requiring husbands to make payments for the support of their families, the probation officer should not relax in his efforts to exert a reformatory and helpful influence.

In proper cases the court sometimes orders as terms of probation that the husband live apart from the wife and pay a certain specified sum for the support of the children.

§ 32. **Probation in Cases of Adult Contributory Delinquency.** Whenever a parent, guardian, or other person charged with contributing to the delinquency or offense of a child (*Penal Law,* § 494, *subdiv.* 1), is summoned or brought before a magistrate for an investigation, the magistrate, if satisfied from sworn testimony that there is cause for a warrant to issue, may, upon consent of the defendant but without convicting the defendant, adjourn the investigation from time to time for a period or periods not aggregating more than one year, and place the defendant under the oversight of a probation officer during such adjournment or adjournments. Such a defendant may also be required to give bonds in a sum not exceeding $250. A probation officer cannot require

Digitized by Google

such a defendant to do more than to satisfy inquiries concerning the conduct and condition of such child, or concerning the conduct or condition of such adult probationer in so far as they relate to the conduct or condition of the child. When the probationer re-appears in court on the adjourned day, the probationary oversight may be continued. Such a continuance or continuances, together with the original probationary period, shall not exceed one year. (*Penal Law,* § 494, *subdiv.* 2.)

Whenever a person, instead of having the case adjourned as provided above, is convicted of contributing to the delinquency or offense of a child, the guilty person may be placed on probation for not more than one year, and be required in addition to give bond, with or without sureties, in a sum not exceeding $500. (*Penal Law,* § 484, *subdiv.* 3.)

§ 33. **Violations of, or Non-Compliance With, the Probationary Conditions.** The court or a magistrate thereof may in case of violation of the probationary conditions imposed upon the probationer issue a warrant for the rearrest of such probationer. (*Criminal Code,* § 11-a, *subdiv.* 4.)

Any act or omission on the part of a probationer which does not comply with the conditions of probation may be considered to constitute a violation of the probationary conditions. The act or omission in question need not necessarily be a crime or a violation of any law.

Among the most frequent violations may be mentioned these: repeated and inexcusable failure of the probationer to report to the probation officer; failure of a child probationer to attend school; failure of an adult probationer to keep employed; failure of a probationer to make a money payment as required; associating with bad companions or frequenting harmful resorts; absconding from the jurisdiction of the court; committing another crime, etc.

Whenever violation or non-compliance with the probationary conditions is suspected or rumored by outsiders, the probation officer should forthwith carefully investigate the facts before taking any further action.

Since the purpose of probation is reformatory, it is desirable that violations of probationary conditions or other misconduct on the part of probationers in proper cases should be carefully considered in order that they may not be treated with undue leniency or undue severity. They can sometimes be dealt with by the probation officer without returning the probationer to the court. Sometimes the probationer can be made to improve his conduct by being brought before the magistrate in his private office. If, however, the violation or non-compliance is persistent and serious, and it appears that further probationary supervision will be fruitless, the probationer should be promptly brought before the court to be dealt with effectively.

Digitized by Google

§ 34. **Extension of the Probationary Period in Cases of Absconders.** If, without permission, a probationer departs from the jurisdiction of the court or persistently keeps the probation officer in ignorance of his whereabouts, the time during which he keeps away from the jurisdiction of the court or in hiding may be added to his original probationary period. (*Criminal Code,* § 11-a, *subdiv.* 4.)

A probation officer should not consent to the departure of a probationer from the jurisdiction of the court without securing the permission of the court or magistrate.

If a probationer absconds, he thereby violates the conditions of his probation. The probation officer should report the fact to the court or magistrate, and every effort should be made to locate and secure the return of the probationer.

§ 35. **Re-arrest of Probationers; Bench Warrant; Return and Surrender to the Court.** In case of any violation of the probationary conditions, the court or a magistrate thereof may issue a warrant for the arrest of the probationer. (*Criminal Code,* § 11-a, *subdiv.* 4.) A warrant for the arrest of a probationer may be issued at any time in the discretion of the court or magistrate. (*Criminal Code,* § 483, *subdiv.* 4; *Penal Law,* § 2188.)

A warrant for the arrest of a probationer may be served anywhere in the state.

A warrant for the arrest of a probationer may be served by the probation officer under whom such probationer has been placed, since the latter is a peace officer with reference to such probationer. (*Criminal Code,* § 11-*a*, *subdiv.* 3.)

(*See Manual,* § 66.)

A violation of the probationary conditions should be investigated as carefully with the same purpose in mind as in a preliminary investigation; the violation may have been accidental or unimportant, in which case little need be done; it may have been premeditated or serious in its nature, in which case prompt and decisive action should be taken. Failure to act with reasonable decision and force in cases of violation of probation is one of the most common and serious errors in the administration of probation and is liable to bring the entire system into disrepute.

§ 36. **Extradition of Absconders.** A probationer placed on probation after being convicted of either a felony or a misdemeanor, and who absconds to another state, can be extradited as a fugitive

Digitized by Google

from justice at any time during the continuation of his probationary period, either as originally imposed or subsequently extended.

§ 37. **Revocation of Probation; Commitment.** A court or magistrate in its or his discretion may revoke and terminate probation; and thereupon may impose any penalty as though the probationer had not been placed on probation. (General provision: *Criminal Code,* § 11-a, *subdiv.* 4. In courts prosecuting cases by indictment: *Criminal Code,* § 483, *subdiv.* 4, *and* § 487. In inferior courts: *Penal Law,* § 2188.)

So far as practicable the revocation of probation in the case of a child in the children's courts of New York City shall be made by the justice who placed the child on probation, and in the case of an adult in a board of magistrates of New York City, by the magistrate who placed such adult on probation. (*Laws of* 1910, *chap.* 695, § 100; *amended by Laws of* 1911, *chap.* 757.)

In the City Court of Buffalo so far as practicable the revocation of probation shall be made by the judge who placed the adult on probation. (*Laws of* 1909, *chap.* 570, § 105.)

If, after being placed on probation, the status of the probationer has changed with reference to his legal eligibility for commitment to certain institutions, the court in imposing sentence can commit him only to such an institution as is authorized by law to receive commitments of persons of his age at the time of such commitment, and for the offense for which he was originally convicted and placed on probation. (*Criminal Code,* § 11-a, *subdiv.* 4.)

If the probation accompanies the suspension of the imposition of sentence, the court in subsequently sentencing a probationer for violating the probationary conditions can impose any length of sentence which might have been imposed at the time the defendant was originally convicted and placed on probation.

If, on the other hand, the probation is super-imposed upon the suspension of the execution of sentence, any subsequent commitment of the probationer for violating his probationary conditions can be only until the date on which the sentence, the execution of which was suspended, would end had there been no such suspension of its execution. (*Criminal Code,* § 483, *subdiv.* 4.)

For the distinction between suspension of the imposition of sentence, and suspension of the execution of sentence, see *Manual,* § 22.

Digitized by Google

§ 38. **Discharge of Probationers.** The court or a magistrate thereof may at any time discharge a probationer. (*Criminal Code,* § 11-a, *subdiv.* 4.)

It is usually desirable that probationers about to be discharged be discharged privately in the magistrate's private office rather than in open court. Probationers are often benefited if given a few final words of advice and encouragement by the magistrate. A probation officer has no authority to discharge a probationer.

§ 39. **Transfer of Probationers to Another Probation Officer in the Same Court.** Either a court or a magistrate of the court may transfer a probationer from the supervision of one probation officer serving within the jurisdiction of such court, to the supervision of another probation officer serving within the jurisdiction of the same court. Whenever such a transfer is made, it shall be reported by the court or magistrate to both of such probation officers and to the probationer, and a record of the transfer shall be filed with the records of the case. (*Criminal Code,* § 11-a, *subdiv.* 5.)

Such a transfer may be desirable as a means of securing supervision by a probation officer who lives nearer the probationer, or who is better adapted personally to deal with the case.

§ 40. **Transfer of Probationers to a Probation Officer in Another County.** Whenever a probationer resides in a county other than the county in which he has been convicted and placed on probation, or whenever a probationer desires to remove to a county other than that in which he has been placed on probation, and it seems likely that such removal will promote his welfare and will not make him a menace or public charge to such other county, the court placing him on probation, or a magistrate thereof, may transfer him to a probation officer of the county to which the probationer is to move, or to a probation officer of any city in such county. No such transfer can be legally made, however, unless the probation officer to whom it is intended to transfer the probationer, first sends to the court or magistrate desiring to make the transfer, a written statement that he will supervise the probationer, and unless such statement is approved in writing by a magistrate of the court to which such probation officer is attached.

Digitized by Google

After a probationer is so transferred, the probation officer supervising him shall report concerning the conduct and condition of such probationer, to the court or magistrate making the transfer. (*Criminal Code*, § 11-a, *subdiv.* 5; *also subdiv.* 2.)

A probation officer receiving a probationer by transfer, as provided above, has the same powers over such probationer as though the probationer were placed under his probationary supervision in the first instance.

The law would seem to contemplate that persons placed on probation shall be allowed to move outside of the jurisdiction of the court only upon the permission of the court, or of a magistrate thereof. When it is desirable to permit a probationer to move away from the jurisdiction of the court, the probationary supervision can usually be much closer and more effective if exercised by a probation officer who resides in the community to which the probationer is to move.

A court or a magistrate, without making a formal transfer, sometimes permits probationers to remove to places outside of the jurisdiction of the court, and requests a probation officer in such places to exercise supervision informally over such probationers.

§ 41. **Transfer of Probationers from the Supreme Court to the County Court of the Same County.** Whenever a person is placed on probation in the Supreme court, the Supreme court, or the justice presiding at the time the defendant is placed on probation, or if the court is not in session and if such justice is not in the county, any other justice of the Supreme court in the same judicial district may, upon consent of the defendant or probationer, enter an order transferring him for the probationary period or the remainder thereof to the jurisdiction of the county court of the county in which he was convicted. When such a transfer is made, the Supreme court shall transfer to the county court the indictment, evidence, and certificate of conviction, or a certified copy of the same. (*Criminal Code*, § 483, *subdiv.* 3.)

The Supreme court in some counties has very few terms during the year, and the different terms in any one year may be presided over by different justices, some or all of whom may reside in other counties. If the Supreme court places a man on probation while it is presided over by a justice residing in some other county, this justice may not preside over another term of the Supreme court in the same county for a year or more. If such a non-resident justice is presiding when the Supreme court places a defendant on probation, the justice, after leaving the county, will likely be unable to keep informed concerning the work of the probation officer, and concerning the conduct and condition of the probationer. Furthermore, if the probationer fails to comply

Digitized by Google

with the conditions of his probation, or requires commitment, the justice presiding at the time the defendant was placed on probation cannot impose sentence unless he is again presiding over a term of the court, because a commitment cannot be made by a justice out of court, but only by the court while in session. If the probationer is returned to court, it may happen that the court is then presided over by some other justice, who is totally unfamiliar with the case and who also may be a non-resident of the county.

For these reasons a Supreme court justice sitting at the time a person is placed on probation, or a successor of such a justice, may find it desirable to transfer a probationer to the jurisdiction of the county court. The county judge knows local conditions; has close relations with the county probation officer; can keep closely informed concerning the case, and is more likely to be in the county if the case needs further consideration, or if the probationer requires commitment.

§ 42. **Appeals by Probationers.** The right to an appeal in a criminal case is not a constitutional right, and may be had only when conferred by statute. The right of appeal in cases of probation is controlled, in general, by the right of appeal in cases of suspended sentence. An appeal in a case of suspension of the imposition of sentence (and therefore in a case of probation based on such suspension) can be taken only from a court of special sessions other than the Court of Special Sessions of New York City, and from the Children's Part of the Monroe County Court. Such appeals may be taken to the county court, "although sentence shall have been suspended by the court in which the trial was held or otherwise suspended or stayed." (*Criminal Code*, §§ 749, 750), except that appeals from the Children's Part of the Monroe County Court are to be taken to the Appellate Division of the Supreme Court.

The Greater New York charter provides that any appeal from the Court of Special Sessions in that city must be taken directly to the Supreme court, and that the procedure must be similar to that of appeals from courts which prosecute cases by indictment. In courts which prosecute cases by indictment — that is, county courts, the Court of General Sessions of New York county, and the Supreme Court — no appeal may be taken in a case of probation based on the suspension of the imposition of sentence, because the provisions of § 517 of the Code of Criminal Procedure have been held not to apply to cases where sentence is so suspended. (*People* v. *Markham*, 114 *App. Div.* 387.) There can be no appeal in cases of probation based on the suspension of the imposition of sentence, in the court of Special Sessions (including the Children's Courts) of New York city. (*People* v. *Flaherty*, 198 N. Y. 602; 126 *App. Div.* 65.)

In the Monroe County Court, Children's Part, the court holds that the right of appeal is not affected in any way by the fact that the child is placed on probation.

Digitized by Google

The decision of the court holds that upon suspension of sentence under the statute, the judgment is not completed so as to give the right of appeal. It follows that the judgment is completed under suspension of the execution of sentence, and that the right of appeal exists in such cases.

If probation is based on the suspension of the execution of sentence an appeal may be taken from any court.

§ 43. **"Informal" and "Unofficial" Probation.** In a number of children's courts and certain other courts probation has been more or less used without formal conviction. This has been done in cases where the judge has believed the defendants guilty in order to avoid stigmatizing them with a criminal record. The practice has been followed especially among children and also in cases of non-support of family, where the conviction of the husband might act as a hindrance to the subsequent reconciliation of the husband and wife. Such cases have become known as "informal probation cases."

Another class of cases with which probation officers sometimes deal is called "unofficial probation cases." These are cases referred to probation officers for advice or oversight, and help, in which the persons are not brought before the court or judge at all. Unofficial cases usually arise through the desire of a parent, teacher or some one else especially interested to have the wayward habit or tendencies of a child or adult overcome without his suffering the notoriety and possible other harmful effects likely to follow an arrest or appearance in court. Many of the cases of this character are those of girls and women whom it is especially desirable to save from the odium of arrest and public trial. Parents also often consult probation officers concerning their boys; and where the effectiveness of probation in non-support cases has become publicly known, wives not infrequently call upon a probation officer with respect to the failure of their husbands to provide for the family needs. In many such cases the delinquency is so incipient or the family circumstances are such that unless the cases could be dealt with unofficially they would never come to the attention of the court, or if they should, not until it was too late to secure the results possible through early unofficial treatment.

Although this kind of work on the part of probation officers is entirely without legal sanction or authority, it is, from a humanitarian and social standpoint, commendable, provided it does not interfere with the performance of their official duties.

§ 44. **Release by a County Court of Disorderly Persons from an Institution on Parole Under a Probation Officer.** The keeper of every jail, penitentiary or prison to which disorderly persons are committed, must return to the county court of the county on the first day of each term, a list of all persons so committed and then in his custody. (*Criminal Code,* § 908.) The county court must thereupon inquire into the circumstances of each case, hear any proof that may be offered, and examine the record of conviction, which is evidence of the facts contained in it, until disproved. (*Criminal Code,* § 909.) The county court may there-

Digitized by Google

upon discharge any such prisoner from imprisonment, absolutely, or upon his giving security as provided in Criminal Code, § 901, or on parole under a probation officer. (*Criminal Code,* § 910.) Any probation officer when requested by the county judge shall act as parole officer over persons released on parole, as provided above. (*Criminal Code,* § 11-a, *subdiv.* 2.) (*See Manual,* § 62.)

In Massachusetts the probation officers make investigations to ascertain whether such prisoners should be released from further imprisonment.

Digitized by Google

CHAPTER 4.

Duties, Powers and Methods of Probation Officers.

PAGE.

Section 50. Oath of office 57
51. Jurisdiction 57
52. Statutory duties 58
53. Preliminary investigations 59
54. Statement of, and instructions concerning probationary period and conditions 60
55. Information concerning conduct and condition of probationers. 60
56. Improvement of the conduct and condition of probationers... 61
57. Monthly reports to court or magistrate 62
58. Records of work 62
59. Financial accounts; receipts 63
60. Other duties in connection with probationers 63
61. Reports to the State Probation Commission 63
62. Oversight by probation officers of persons paroled from institutions 63
63. Other duties and obligations of probation officers 64
64. Power of visiting probationers 65
65. Power of requiring reports 65
66. Power of arresting probationers 65
67. Powers in cases of adult contributory delinquency 66

Digitized by Google

Digitized by Google

CHAPTER 4.

Duties, Powers and Methods of Probation Officers.*

§ 50. **Oath of Office.** A probation officer, appointed by an elective magistrate or magistrates, is a public officer, and therefore, before entering upon the duties of his office, must take an oath of office. (*Public Officer's Law,* § 10.)

§ 51. **Jurisdiction.** Probation officers, except as stated below, serve only within the jurisdiction of the court of the magistrate or magistrates appointing them, and under the direction of such court or magistrates. A salaried county probation officer may serve not only within the jurisdiction and under the direction of the county court, but also within the jurisdiction and under the direction of the Supreme court, and of the courts of all towns, villages, and third-class cities in the county, upon the request of the magistrate of such respective courts. (*Criminal Code,* § 11-a, *subdiv.* 1.) A probation officer receiving a probationer on formal transfer from a court or magistrate in another county, should, in dealing with such transferred probationer, follow the directions of the court making the transfer, and of the magistrate thereof. (*Criminal Code,* § 11-a. *subdiv.* 5.)

A probation officer has no legal authority over any person unless placed under his supervision in accordance with the provisions of law. (*See Manual,* § 43.)

---

* In venturing to offer suggestions and advice concerning methods to be followed by probation officers, the Commission is fully cognizant of the fact that no two cases call for exactly the same treatment, and also that the manner of carrying on probation work should depend in part upon local conditions. There can be no cut-and-dried rules, and it is therefore unsafe for one to dogmatize about probation. Nevertheless, experience with probation during the past decade, not only in New York State but elsewhere, has taught many valuable lessons and established several fundamental principles, which are now very generally accepted. Further experience with probation may modify some of our present ideas, but in this publication the Commission has deemed it wise to follow the consensus of opinion of the present time and has tried to do so as far as possible.

Digitized by Google

§ 52. **Statutory Duties.** The duties of probation officers are as follows:

(a) when so directed by the court or magistrate, to inquire into the antecedents, character, and circumstances of defendants, and the mitigating or aggravating circumstances of their offense, and to report thereon in writing;

(b) to furnish probationers with a statement of the period and conditions of their probation, and to instruct them concerning the same;

(c) to keep informed concerning the conduct and condition of probationers;

(d) to aid and encourage probationers by friendly advice and other means to bring about improvements in their conduct and conditions;

(e) to report in writing at least monthly to the court or magistrate concerning the conduct and condition of each probationer; when a probation officer receives a probationer on transfer from a probation officer in another court he shall report concerning the conduct and condition of such probationer at regular intervals to the court or magistrate making the transfer;

(f) to keep records of their work;

(g) to keep accounts of all moneys collected from probationers, to give receipts therefor, and to make at least monthly returns thereof;

(h) to perform such other duties in connection with probationers as the court or magistrate may direct;

(i) to make such reports to the State Probation Commission as it may require;

(j) to act, when so requested by the county judge, as parole officer over persons paroled under provisions of the Criminal Code, § 910. (*Criminal Code,* § 11a, *subdiv.* 2.)

In the County Court of Monroe County, Children's Part, any probation officer, when so requested by the court or judge, shall make an investigation as to whether a summons should be issued to require a child and its parents, guardian, or other person having the custody or supervision of such child, to appear before the court. (*Laws of* 1910, *chap.* 611, § 4.)

Digitized by Google

In the Court of Special Sessions of Yonkers, it is the duty of the probation officers to be present in court at such times as directed; to refrain from divulging or communicating to any person other than to the State Probation Commission, city judge, or other magistrate, under whose jurisdiction he is serving, without the consent of the city judge or magistrate appointing him, any facts or information obtained pursuant to the discharge of his duties; and, upon the termination of the probation period, to report the fact of the termination to the court. (*Laws of* 1908, *chap.* 452, §§ 16, 17, 18.)

§ 53. **Preliminary Investigations.** Every probation officer, when so directed by the court or a magistrate thereof, shall inquire into the antecedents, character, and circumstances of any person or persons accused within the jurisdiction of such court, and shall investigate the mitigating or aggravating circumstances of the offense of such person, and shall report thereon in writing to such court or magistrate. (*Criminal Code,* § 11-a, *subdiv.* 2.)

For a discussion of the purposes and subject-matter of preliminary investigations, see *Manual,* § 20.

These investigation are to be made only when the probation officer is directed to do so by the court or magistrate. They are expected to be made after conviction.

Probation officers should seek information from as many sources as possible, and be discriminating as to the relative competency and credibility of the persons from whom they obtain information. In making investigations, probation officers usually interview the defendant, the members of the defendant's family, neighbors, and other persons. They also consult any records that are available and often write or telegraph to other places for information.

All inquiries should be painstaking, for any misinformation might work serious injustice.

Inquiries should be conducted very discreetly, lest the probation officer unnecessarily harm the defendant by letting it become more widely known that he has been arrested or convicted of crime.

If a probation officer interviews the defendant, he should carefully respect the defendant's constitutional right of not being forced to give evidence against himself. Probation officers should not extract confessions of guilt from defendants to be used against them in any way. It is not intended that inquiries into the mitigating or aggravating circumstances of the offense shall be for the purpose of ascertaining the innocence or guilt of the defendant. The inquiries concerning the offense should concern only such facts as whether the offense was in some degree excusable, or whether it was wilful and malicious.

While the court may do with the written reports on preliminary investigations as it pleases, it is desirable — especially when the defendant is placed on

Digitized by Google

probation — that either the original or a duplicate of the report should be kept by the probation officer with his other records.

The State Probation Commission furnishes forms on which these reports may be written. (*See Manual*, § 82.)

§ 54. **Statement of, and Instructions Concerning, the Probationary Period and Conditions.** Every probation officer must furnish to each person placed on probation under his supervision, a statement of the period and conditions of the probation, and must instruct the probationer concerning the same. (*Criminal Code*, § 11-a, *subdiv.* 2.)

The conditions enumerated in the statement should include all of those imposed by the court or magistrate. Whenever the court or magistrate modifies either the period or the conditions of probation, the probation officer should give the probationer a statement of such changes. The probation officer should preserve a copy of each statement given to a probationer. Such statements indicate to the probationer and to the probation officer what is required and expected, and make it impossible for the probationer to claim later that he was ignorant of the requirements of the probation.

The law contemplates that probation officers shall also explain the purposes and requirements of the probation to probationers; because, otherwise, some probationers — such as recent immigrants, children, and those who are illiterate or mentally deficient — may be unable to understand or appreciate the contents and significance of the written statements.

The State Probation Commission furnishes forms for these statements. Enclosing the statements in heavy envelopes tends to prevent them from becoming soiled or torn.

§ 55. **Information Concerning the Conduct and Condition of Probationers.** Every probation officer is expected to keep informed concerning the conduct and condition of each probationer placed under his care. (*Criminal Code*, § 11-a, *subdiv.* 2.)

In order that the probation officer may deal intelligently with each probationer, and may keep the court informed concerning the probationer, and — if serious violations of the probationary conditions occur — may return him to court, it is important that the probation officer shall have continual knowledge of the probationer's manner of life, habits, inclinations and surroundings. This requires that the probation officer shall see the probationer, visit his home, and make inquiries from members of his family and various other persons, once a week, if possible, or at frequent intervals. This is perhaps the most difficult, but is one of the most important, tasks of the probation officer.

Inquiries by probation officers should be made with discretion. (*See caution under Manual*, § 53, *and also* § 66, *for note about investigating rumors of misconduct.*)

Digitized by Google

§ 56. **Improvement of the Conduct and Condition of Probationers.** Every probation officer should aid and encourage probationers by friendly advice, admonition, and such other measures, not inconsistent with the conditions imposed by the court or magistrate, as may seem most suitable to bring about improvement in their conduct and condition. (*Criminal Code,* § 11-a, *subdiv.* 2.)

This is the most important and essential element in the probation system. The relations of the probation officer to those under his probationary care should be as friendly, personal and helpful as possible. The most effective factor in probation work, as a rule, is the personal example and influence of the probation officer. He is expected to befriend those under his care, to win their confidence, and to study their temperament, abilities and special needs. He should also aid them in thinking out their problems; advise them; develop in them proper ethical standards, as well as self-control; inspire laudable and practicable ambitions; and suggest practical ways of bettering their surroundings and manner of life. He should also aid his probationers in objective ways, such as securing employment for them, inducing them to avoid undesirable companions, increasing their opportunities for wholesome recreation, adjusting difficulties and improving conditions in their home, and getting them to start bank accounts and to take proper pride in their personal appearance.

One of the most important phases of probation work is the securing of employment for probationers as soon as they are placed on probation. A large percentage of the men who are placed on probation come directly from the police station or the jail, and are, in the great majority of cases, without present or prospective employment. In view of this condition it is necessary in order to handle the cases properly that the probation officer be able to supply such persons as are placed under his supervision with employment best fitted to their needs. There are several ways in which this may be done, but by far the most effective is the establishment of an employment bereau in connection with the probation officer's regular work. By soliciting the assistance of large employers of labor and business men such a bureau may be made very valuable and will be a great factor in securing the desired results of probation. This bureau should be as diversified as possible and should be able to furnish employment to skilled and unskilled persons placed on probation.

A probation officer should also secure the friendly co-operation of clergymen, social settlements and religious organizations of the same faith as that of the probationer, benevolent organizations and various other agencies and persons. Probation officers should be especially careful to respect the religious convictions and connections of their probationers. Religion is often one of the most potent factors in reforming character, especially during the period of adolescence. It is often helpful when a person guilty of public intoxication takes a pledge to have him do so before his own clergyman.

Whenever necessary, probation officers should persuade a probationer to seek medical advice or treatment. If the probationer is unable to pay for such services, the probation officer can usually secure a physician who will

Digitized by Google

give his services. It is sometimes important also to secure charitable relief for probationers or their families. This should be done with discrimination and probationers made self-supporting and self-sustaining as early as possible.

§ 57. **Monthly Reports to the Court or Magistrate.** Every probation officer must report in writing at least monthly, to the court having jurisdiction over such probationers, or to a magistrate thereof, concerning the conduct and condition of each probationer. (*Criminal Code,* § 11-a, *subdiv.* 2.)

While such reports may be either detailed or brief, according to the desires of the court or magistrate, they should give all the facts which it is important for the court or magistrate to know concerning each probationer. Probation officers should take pains to obtain full information concerning any violations which are either rumored or are known to have occurred. Inquiry into the facts and circumstances surrounding alleged violations sometimes discloses that such violations did not occur, or that the rumors concerning them were inaccurate as to details or were exaggerated.

When violations of the probationary conditions occur they may be either slight or serious, and the probation officer in judging their seriousness should make due allowance for the age, temperament, mentality, history and circumstances of the probationer. Unless otherwise directed by the court or magistrate the probation officer will usually find it advisable not to return the probationer to court unless the violations are serious. Slight failures to observe the probationary requirements can, as a rule, be dealt with by the probation officer.

Whenever a probation officer, however, is convinced that a probationer is persistently violating his probationary conditions and ought not to be at large in the community, he should recommend that the probationer be returned to court.

The original or a duplicate of each such report should be filed by the probation officer with his records of the case. The State Probation Commission supplies forms for these monthly reports. (*See Manual,* § 82.)

§ 58. **Records of Work.** Every probation officer must keep records of his work. (*Criminal Code,* § 11-a, *subdiv.* 2.)

Probation officers, when so directed by the court or magistrate, must make written report concerning preliminary investigations; they must report in writing to the court or magistrate at least monthly concerning each probationer; they must keep accurate and complete accounts of all moneys collected; and they must make such reports as the State Probation Commission may require. In addition to these duties required by law, it is desirable that probation officers keep other records of their work.

The State Probation Commission furnishes probation officers with forms for their records and reports. (For a further discussion of records, and for an account of the nature and uses of the forms supplied by the State Probation Commission, see *Manual, chap.* 5.)

Digitized by Google

§ 59. **Financial Accounts; Receipts.** Probation officers must keep accurate and complete accounts of all moneys collected from probationers in fines, restitution, and reparation, and payments for family support, or in any other form; give receipts therefor, and make at least monthly returns thereof. (*Criminal Code,* § 11-a, *subdiv.* 2.) (*See Manual,* § 86.)

§ 60. **Other Duties in Connection with Probationers.** Every probation officer must perform such additional duties in connection with probationers placed under his care as the court or magistrate may direct. (*Criminal Code,* § 11-a, *subdiv.* 2.)

In the Buffalo City and Children's Courts, the New York City Boards of Magistrates, Court of Special Sessions, and Children's Courts, and the Syracuse Court of Special Sessions and the Monroe County Court, Children's Part, the probation officers may be required to conform to rules and regulations established by the magistrates or justices of such courts. (*Laws of* 1909, *chap.* 570, § 101; *Laws of* 1910, *chap.* 659, § 97; *Laws of* 1910, *chap.* 676, § 33; *and Laws of* 1910, *chap.* 611, §§ 11 *and* 19, *respectively.*)

§ 61. **Reports to the State Probation Commission.** Every probation officer must make such reports to the State Probation Commission as the Commission may require. (*Criminal Code,* § 11-a, *subdiv.* 2.)

The State Probation Commission, to aid it in collecting statistical and other information concerning the operations of the probation system, is authorized to collect reports from probation officers. Probation officers will greatly facilitate the work of the Commission by making such reports promptly and accurately.

§ 62. **Oversight by Probation Officers of Persons Paroled from Institutions.** A probation officer may act as parole officer for any State penal or reformatory institution, when requested so to do by the authorities thereof. (*Criminal Code,* § 11-a, *subdiv.* 2.)

A probation officer, when so requested by the county judge, shall act as parole officer over disorderly persons paroled from an institution under § 910 of the Code of Criminal Procedure. (*Criminal Code,* § 11-a, *subdiv.* 2.) (*See Manual,* § 44.)

Probation and parole are very similar in their purposes and methods. Most of the institutions from which persons are paroled have an inadequate corps of parole officers. Parole oversight, to be close and effective, can best be exercised by an officer living in the same locality as the person on parole.

Digitized by Google

For these reasons it seems desirable that probation officers in so far as it can be done without interfering with their probation work, should accept the duty of supervising persons paroled from institutions who return to the communities in which such probation officers serve.

§ 63. **Other Duties and Obligations of Probation Officers.** Any probation officer who violates any provisions of law relating to public officers or to probation officers is guilty of a misdemeanor. (*Penal Law,* § 1841.) It is a crime for a probation officer to act as a public officer without having filed the required oath of office (*Penal Law,* § 1820); to ask or receive, or consent to receive, any emolument, gratuity or reward, or any promise of the same, or any money, property or thing of value or personal advantage, except such as may be authorized by law, for doing or omitting to do any official act, or for having performed or omitted to perform any act whatsoever directly or indirectly related to any matter in respect to which any duty or discretion is by law or in pursuance of law imposed upon or vested in him, or may be exercised by him by virtue of his office (*Penal Law,* §§ 1823, 1826); to ask or receive any reward for deferring the performance of any official duty (*Penal Law,* § 1829); to make any corrupt bargain for an appointment to office (*Penal Law,* § 1832); to sell the right to discharge the duties of office (*Penal Law,* § 1833); to mutilate, destroy, conceal, erase, or falsify any record appertaining to his office, or to fradulently appropriate, or secrete with intent to appropriate, any money, evidence of debt or other property entrusted to him by virtue of his office (*Penal Law,* § 1839); to wilfully neglect to perform any duty enjoined upon him by law (*Penal Law,* §§ 1841, 1857); to falsify any account, or wilfully to omit or refuse to pay to the proper officer or authority empowered to demand and receive the same, any money received by him by virtue of his office (*Penal Law,* §§ 1865, 1866).

Every probation officer should acquaint himself with the laws relating, directly or indirectly, to crimes, court procedure, public officers, and any other subjects which concern probation officers. He should always be ready and willing to accept probationers transferred from another officer to his supervision and should be careful to make such reports as are required by law to the court making the transfer. No probation officer should in any way exceed his authority, infringe upon the rights of defendants or probationers, or transgress any provision of law.

Digitized by Google

§ 64. **Power of Visiting Probationers.** Each probationer shall permit the probation officer to visit him in a reasonable manner at his place of abode or elsewhere, and to answer any reasonable inquiries concerning his conduct and condition. (*Criminal Code,* § 11-a, *subdiv.* 4.) Every probation officer may require such reports by probationers under his care as are reasonable or necessary and are not inconsistent with the conditions imposed by the court or magistrate. (*Criminal Code,* § 11-a, *subdiv.* 3.)

Visitation by the probation officer to the homes and environments of his probationers is indispensable as a means of securing full and reliable information concerning those on probation, and of bringing about improvements in their home life. These visits should be especially frequent in cases of children, non-supporting husbands and other cases where the home conditions are important factors. In order to see men in their homes it is often necessary to visit them in the evening. It is advisable that such visits be made weekly if possible.

§ 65. **Powers of Requiring Reports from Probationers.** The probation officer should also require probationers to make personal reports to him at least weekly. These reports so far as possible should be in person, and preferably at some place other than at the court or a police station. They should also preferably be made by each probationer at a separate time, in order that the probationers may not mingle or observe each other. Every precaution should be taken to prevent the association of male and female probationers, and of the young with the old, and of first offenders with those more hardened in crime or vice.

It is not safe for a probation officer to rely for his information about probationers solely upon their own reports. Visitations in the home and inquiries from other sources are essential.

§ 66. **Power of Arresting Probationers.** Every probation officer has, as to persons placed on probation under his care, or transferred to his probationary supervision, the powers of a peace officer. (*Criminal Code,* § 11-a, *subdiv* 3; § 483, *subdiv.* 3.)

A peace officer is any person who may execute a warrant for the arrest of another person. Probation officers have powers of a peace officer only over those who have been legally placed under his probationary care.

A probation officer has the right of executing a warrant for the arrest of any probationer who has been placed on probation under his care, provided

Digitized by Google

the warrant has been issued by a magistrate of the court having jurisdiction over such probationer. This must be the magistrate of the court which placed the probationer on probation, except that when the probationer has been transferred from the Supreme court to the county court of the same county (as provided in *Criminal Code*, § 483, *subdiv.* 3), the warrant can be issued only by the county judge.

Warrants for the arrest of a probationer may also be executed by a sheriff, deputy sheriff, policeman or constable.

A probation officer has no right to arrest any probationer except on a warrant, unless the probationer commits an offense for which any peace officer or any private citizen could arrest the probationer; that is to say, unless (1) the probationer, after being placed on probation, has committed a crime or violated some law in the presence of the probation officer; or unless (2) the probationer has committed a felony, although not in the presence of the probation officer. (*See Criminal Code*, § 183.)

A probation officer after arresting a probationer must take such probationer as soon as possible before the court or magistrate or deliver the probationer to the proper authorities for detention until the court or magistrate is ready to arraign the probationer. (*See Manual*, § 35, *and note to* § 57.)

§ 67. **Powers in Cases of Audult Contributory Delinquency.** When a person charged with adult contributory delinquency is placed on probation without first being convicted of the offense, the probation officer cannot require such probationer to do more than satisfy inquiries regarding the conduct or condition of the child, or regarding the conduct or condition of the probationer in so far as it relates to the conduct of the child. (*Penal Law*, § 494, *subdiv.* 2.)

If the person is convicted of this crime, the probation officer has the same power as over any other probationer legally under his care.

Digitized by Google

CHAPTER 5.

Records, Reports, Forms, Accounts and Statistics.

PAGE.

Section 80. Court records 69
81. Probation officers' records and reports..... 70
82. Forms supplied by Commission..... 70
83. Directions concerning use of forms by probation officers..... 71
84. Indexing and filing systems..... 106
85. Directions for ordering forms from Commission..... 108
86. Accounts of collections from probationers..... 109
87. Accounts of probation officers' expenses..... 112
88. Accounts of relief..... 113
89. Reports to the Commission of appointments, resignations and removals of probation officers..... 113
90. Probation officers' monthly statistical reports to Commission; directions concerning their use..... 113
91. Other reports by probation officers to Commission..... 116
92. Probation statistics 116

Digitized by Google

Digitized by Google

CHAPTER 5.

Records, Reports, Forms, Accounts and Statistics.

§ 80. **Court Records.** A duplicate of each order of appointment of a probation officer is required to be entered on the records of the court of the magistrate or magistrates making such appointment, and a copy of the order of appointment is required to be delivered to the officer so appointed, and another copy to be filed with the State Probation Commission. (*Criminal Code,* § 11-a, *subdiv.* 1.) (*See Manual,* § 89.)

Whenever a court or magistrate transfers a probationer from the supervision of one probation officer to that of another probation officer, such transfer should be reported by the court or magistrate to both of such probation officers, and also to the probationer, and a record of the transfer should be filed with the records of the case. (*Criminal Code,* § 11-a, *subdiv.* 5.)

Whenever a probationer is to be formally transferred to a probation officer of a court in another county, the transfer cannot be made until the probation officer to whom the transfer is to be made, first sends the court or magistrate desiring to make such transfer, a written statement that he will exercise supervision over the probationer, and until such statement is approved in writing by the magistrate of the court to which such probation officer is attached. (*Criminal Code,* § 11-a, *subdiv.* 5.)

A record of such transfer should also be entered on the records of the court making the transfer.

Whenever the jurisdiction over a defendant placed on probation in the Supreme court is transferred to the county court of the same county, the Supreme court, or the justice thereof who makes the transfer, must enter an order transferring the probationer, and must also transfer to the county court the indictment, evidence and certificate of conviction, or a certified copy thereof. (*Criminal Code,* § 483, *subdiv.* 3.)

Whenever a defendant is placed on probation the court is supposed to enter on the court records the fact and also the name of the probation officer and a statement of the period and conditions of probation. The court should also keep a record of any changes in the probationary period or conditions. Furthermore, it is desirable that an entry should later be made on the court records of the final results of the probation.

Digitized by Google

Such records as the foregoing may be serviceable not only while the person is on probation but also subsequently if the probationer is again arrested or if the court desires to check up the case or the work of the probation officer.

§ 81. **Probation Officers' Records and Reports.** Every probation officer must keep records of his work; make written reports of preliminary investigations; furnish probationers with a statement of the period and conditions of their probation; report in writing at least monthly to the court or magistrate concerning the conduct and condition of each probationer; keep accounts of all moneys collected from probationers, and give receipts therefor; and make such reports to the State Probation Commission as it may require. (*Criminal Code,* § 11-a, *subdiv.* 2.) A probation officer who is to receive a probationer on formal transfer from a court in another county, must first furnish to such court or a magistrate thereof a written statement that he will exercise supervision over such transferred probationer. (*Criminal Code,* § 11-a, *subdiv.* 5.) (*For discussions of the above provisions, see Manual,* §§ 58, 53, 54, 57, 59, 61 *and* 40 *respectively.*)

Probation officers find it helpful to keep other records, and in so doing to use certain prescribed blanks or forms.

§ 82. **Forms Supplied by the State Probation Commission.** It is of the greatest importance to preserve all the facts gathered by a probation officer, in an investigation or in the course of supervising a probationer. The use of appropriate forms, and the adoption of a practical filing system, enable the probation officer to record information quickly; to record facts which he might otherwise forget; and to arrange his facts and records systematically. Their use economizes his time; permanently preserves information which might otherwise become lost; and renders the records and reports easily available for quick reference if needed at some future time. The use by probation officers of regular forms also economizes the time of the court, and removes doubt as to what orders were given by the court or probation officer, and what previous reports were made by the probation officer. Their use is also of value when probation officers are required to cooperate with officers in other places, either in making investigations or in supervising transferred probationers.

Marked advantages accrue from having a uniform system of forms throughout the State.

In 1908 the State Probation Commission prepared and pub-

Digitized by Google

lished forms for the use of probation officers in keeping records and making reports, and also a pamphlet describing their use. The Commission supplied these forms to probation officers, free of charge, and their use became very general throughout the State.

The forms published by the Commission in 1908 were prepared after a careful study of hundreds of forms used in this and other countries, and after consultations with a number of judges and probation officers. They were the first comprehensive set of probation forms ever prepared for State-wide use. The Commission made inquiries from time to time concerning desirable changes in the forms, and during the summer of 1911 it published a revised set of forms. These new forms have been distributed in large quantities to probation officers throughout the State during the past two years, and may be had upon request free of charge. In the main they preserve the principle features of the earlier forms, but include a number of improvements and also some additional forms.

Whenever possible, the Commission will, upon request, send its secretary or assistant secretary to advise and assist probation officers in installing the uniform system of forms and records furnished by the Commission.

§ 83. **Directions Concerning the Use of Forms by Probation Officers.** Records which are to be preserved, and all reports to the court should be filled out with a pen or typewriter. The forms can often be used in jotting down pencil notes preliminary to writing or dictating permanent records or reports. Whenever a record or report must permanently leave the custody of the probation officer it is well for him to preserve a duplicate copy.

It is usually unnecessary to use complete sentences in making out records and reports, since the essential facts must generally be indicated by the use of the essential words. It is sometimes advantageous to use abbreviations in order to minimize time and space and it is not always necessary to fill out all the items on a form. Records should be made out not for the record's sake, but for the sake of utility.

For instructions concerning the indexing and filing of records, see *Manual*, § 84.

The following pages are devoted to a detailed explanation of each form followed by a cut of the form itself.

Digitized by Google

The forms which the Commission furnishes include the following:

Form 1. Commission as Probation Officer.
2. Probation Officer's Oath of Office.
3. Investigation of a Child.
4. Investigation of an Adult.
5. School Report.
6. Parents' Report.
7. Church Record of Probationer.
8. Probation Officers' Monthly Case Report to the Court.
9. Probation History of Probationer.
10. Order of Probation.
11. Probationer's Report Card.
12. Pledge.
13. General Monthly Report to Court.
15. Modification of Probation.
16. Request for Transfer of Probationer to other Jurisdiction.
17. Transfer of Probationer from Supreme to County Court.
18. Warrant for Arrest of Probationer.
19. Summons for Adult Contributory Delinquency.
20. Probation Officer's Receipt Book.
21. Beneficiary's Receipt.
22. Probation Officer's Receipt.
23. Loose-leaf Pages for Ledger Book.
23a. Loose-leaf Ledger Book.
24. Probation Officer's Cash Book.
25. Index Juvenile Probationer.
26. Index Adult Probationer.
27. Index Juvenile Court.
28. Index Convicted Adult.
29. Probation Book. (Arranged chronologically.)
29a. Pages for Probation Book.
30. Monthly Statistical Report of Probation Officer to State Probation Commission.
31. Bond for Adult Contributory Delinquency.

The Commission also furnishes manila folders for case records and cards for Volunteer Probation Officers' Report.

Form 1. **Commission of Appointment of Probation Officer.** This form is divided into two parts by a perforated line so that the

Digitized by Google

upper part after being filled in and signed by the appointing magistrate may be delivered to the probation officer. The lower section is to be filled in, signed and sent to the State Probation Commission. For further explanation of this form see *Manual*, § 4.

Form 1.

Subdivision 1, section 11-a of the Code of Criminal Procedure (as amended by Chapter 99 of the Laws of 1908) requires that in appointing a probation officer "the appointment must be in writing and entered on the records of the court in which such appointment is made, and copies of the order of appointment must be delivered to the officer so appointed and filed with the State Probation Commission."

(*To be delivered to the Probation Officer.*)

Commission as Probation Officer

By virtue of the power vested in me [us] by section 11-a of the Code of Criminal Procedure of the State of New York, I [we] hereby appoint.....

whose address is.....N. Y

a.....Probation Officer
(Salaried or volunteer)

for.....
(Adults or juveniles or both)

in the.....Court

in.....N. Y.

said appointment to take effect.....

.....

.....
(Name of Justice or Magistrate making appointment)

Dated.....19

.....N. Y.

(*To be sent to the State Probation Commission, Albany, N. Y.*)

Commission as Probation Officer

By virtue of the power vested in me [us] by section 11-a of the Code of Criminal Procedure of the State of New York, I [we] hereby appoint.....

whose address is.....N. Y.

a.....Probation Officer
(Salaried or volunteer)

for.....
(Adults or juveniles or both)

in the.....Court,

in.....N. Y.

said appointment to take effect.....

.....

.....
(Name of Justice or Magistrate making appointment)

Dated.....19

.....N. Y.

Digitized by Google

Form 2. **Oath of Office.** The law requires that both salaried and volunteer probation officers take an oath of office. Following is the form which is to be used for this purpose. For further information see *Manual,* § 5 *and* § 50.

Form 2

(Section 10, Article 1, Public Officers Law.)

PROBATION OFFICER'S OATH OF OFFICE

STATE OF NEW YORK.

.....

.....

ss.:

I, ...residing at

.....

do hereby swear that I will support the Constitution of the United States and the Constitution of the State of New York, and perform to the best of my ability the duties of the office of Probation Officer in the .....Court of.....New York.

Sworn to before me this .....

.....day of.....19...

.....

Form 3. **Investigation of a Child.** The law requires that reports of preliminary investigations shall be made in writing. (*Criminal Code,* § 11-a, *subdiv.* 2.) This is one of the most essential and helpful forms. It is a handy form on which to jot down notes during the investigation and it is to be presented to the court or magistrate in reporting preliminary investigations. (*See Manual,* § 20 *and* § 53.) In case the court or magistrate desires to keep the reports made on this blank, the probation officer should make a duplicate copy for his own records.

Digitized by Google

Form 3.

Docket No.	Case No.

Page 1 **INVESTIGATION OF A CHILD**

NAME	Nickname (*if important*)	ADDRESS

Sex	Age — birthday — years	Color	Race		Country of birth			Length of residence	
			father	mother	child	father	mother	in U. S.	here
2.									

Complexion	Eyes	Hair	Other personal description
3.			

Complaint

4.

Other children involved	Complainant
5.	

6. **A. FAMILY**

7. Name (*address if not given above*)	Relation	Age	Occupation	Weekly wages	Religion	Habits, record, remarks
8.						
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						

Financial conditions — Charitable Aid — Remarks

17.

18.

19. **B. HOME AND NEIGHBORHOOD**

Type of dwelling — Floor — No. of Rooms — Rent per month

20.

21. No. persons in household — Lodgers — Boarders

22. Sanitation in home — Appearance of home

23. Moral conditions in home

24. Lived here how long — Neighborhood

25. Remarks

26.

27. **C. PREVIOUS ADDRESS** (*with dates*)

28.

29. **D. SCHOOL**

30. Name	Grade	Attendance	Conduct	Scholarship	Remarks
31.					
32.					
33.					
34					

Remarks

35.

36.

Digitized by Google

Page 2

37. **E EMPLOYMENT**

38 Employer and address	Kind of work	Dates from	to	Weekly wages	Remarks
39.					
40.					
41.					

42 Employment certificate	Remarks

43. **F. CHURCH AND OTHER ORGANIZATIONS**

44. Name	Pastor, teacher or leader	Remarks
45. Church		
46. Sunday school		
47. Club or settlement		
48. Remarks		

49. **G. HABITS, ASSOCIATES, INTERESTS AND ABILITIES**

50. Associates and (if a boy) "gang"

51. Amusements — Evenings spent where

52. Special interests

53. Special abilities — Run away — Ever sleep out

54. Disobedient — Steal — Gamble — Use tobacco — Use liquor

55. Other habits and remarks

56.

57.

58. **H. PHYSICAL AND MENTAL CONDITION**

59. Heredity (*epilepsy, feeble-mindedness, insanity, chronic alcoholism, etc.*) — Under nourished

60. General health

61. Physical defects

62. Eyes — Ears — Nose and throat — Teeth — Skin disease — Venereal disease — Vermin

63. Mental development and condition

64. Secretive — Social — Selfish — Irritable — Self-control — Lazy — Vain

65. Conscientious — Easily influenced — Remarks

66.

67. **I. PREVIOUS COURT, POLICE, INSTITUTIONAL, HUMANE SOCIETY AND CHARITY RECORD**

68 Date of hearing	Docket No.	Complaint	Disposition and remarks
69.			
70.			
71.			
72.			
73.			

74. Remarks

75.

76.

(*Page 2 of Form 3.*)

Digitized by Google

Page 3

J. SUPPLEMENTARY FACTS AND EXPLANATIONS

SOURCES OF INFORMATION

I hereby certify that to the best of my knowledge and belief, all the statements in this report are correct.

.....
Probation Officer

(*Dated*).....19

(*Page 3 of Form 3.*)

Digitized by Google

Form 4. **Investigation of an Adult.** This form is essentially the same as form 3, with the exception that the information which is to be recorded on it applies to adult cases only.

Form 4. | Docket No. | Case No.

INVESTIGATION OF AN ADULT

NAME	Alias		ADDRESS
1.			

Sex	Age — birthday — year	Color	Race		Country of birth			Length of residence	
			father	mother	self	father	mother	in U. S.	here
2.									

Citizen	Complexion	Eyes	Hair	Other personal description
3.				

Charge
4.

Co-defendants
5.

Complainant

6. **A. FAMILY**

7. Name (address if not given above)	Relation	Age	Occupation	Habits, records, remarks
8.				
9.				
10.				
11.				
12.				
13.				

Financial conditions — Charitable aid — Abandonment, non-support or family discord
14.

15.
Remarks
16.

17.

18.

19. **B. LIVING CONDITIONS**

Lives with family — Alone — With whom else — Lodging house
20.

If with family, state type of dwelling — Floor — No. of rooms — Rent per month
21.

No. persons in household — Sanitation in home — Appearance of home
22.

Moral condition of home
23.

Neighborhood
24.

Lived here how long — Change abode often
25.

Remarks
26.

27.

28.

29. **C. PREVIOUS ADDRESSES** (*with dates*)

30.

31.

32. **D. EDUCATION** Kind and amount

33.

Remarks
34.

35.

Digitized by Google

Page 2

36. **E. EMPLOYMENT**

37. Employer and address	Occupation	Dates from to	Weekly wages	Remarks
38.				
39.				
40.				
41.				

Remarks (if unemployed, how long, and why)

42.

43.

44.

45. **F. CHURCH AND OTHER ORGANIZATIONS**

46. Name	Pastor, etc.	Remarks
Church		
47.		
48.		

49. **G. HABITS, ASSOCIATES, INTERESTS AND ABILITIES**

Associates — Spends evenings where and how

50.

Amusements — Special interests

51.

Special abilities — Sources of income

52.

Drink

53.

54.

Use drugs — Ever take treatment for drink or drug habit — Use tobacco

55.

Gamble — Steal — Sex habits

56.

Remarks

57.

58.

59.

60. **H. PHYSICAL AND MENTAL CONDITION**

Heredity (*epilepsy, feeble-mindedness, insanity, chronic alcoholism, etc.*)

61.

Health

62.

Physical defects

63.

Mental development and condition — Selfish — Self-control — Lazy — Conscientious — Easily influenced

64.

Remarks

65.

66.

67. **I. PREVIOUS COURT, POLICE, INSTITUTIONAL AND CHARITY RECORD**

68. Date arraigned	Docket No.	Charge	Disposition and remarks
69.			
70.			
71.			
72.			

Remarks

73.

74.

75.

(*Page 3 of Form 4.*)

Digitized by Google

Page 3

J. SUPPLEMENTARY FACTS AND EXPLANATIONS

SOURCES OF INFORMATION

I hereby certify that to the best of my knowledge and belief all the statements in this report are correct.

(Signed).....
Probation Officer

(*Dated*).....19

(*Page 3 of Form 4.*)

Digitized by Google

Form 5. **School Report.** The manner in which form 5 is used varies in different places. In some places the teacher or principal is supplied with a sufficient quantity of these report blanks to last throughout the probationary period, while in other places the blanks are sent to the teacher from time to time either by mail or by the probationer. The reports are sometimes mailed by the teacher or principal directly to the probation officer, while in other cases they are endorsed to the probationer without being enclosed in an envelope. If the reports are brought to the probation officer by probationers, the probation officer must bear in

Form 5.

Please fill out in ink, and send to the probation officer.

SCHOOL REPORT for Week Ending ..... 19.....

Child's Name .....

Attendance .....

Scholarship .....

Conduct .....

Remarks .....

School *Teacher or Principal* .....

Additional remarks may be written on the back.

mind that the probationer may be tempted to make changes in the report, although these can usually be easily detected. The probation officer in all cases should if possible make frequent visits to the school for the purpose of conferring privately with the teacher and principal.

All school reports concerning each probationer should be filed in chronological order in the case folder or envelope. This can be done by clipping the reports together, one under the other in the order in which they are received.

Form 6. **Parents' Report.** The remarks made above concerning form 5 apply in their general principles to the use of form 6. the parent's report. It will depend upon the character and in-

Digitized by Google

telligence of the parents as to whether it is advisable to request them to make out a written report each week concerning their child who is on probation. In many cases the reports which parents make are inaccurate, prejudiced and more or less unreliable, but it is often found that the requirement that the parents make out such a report each week exerts a beneficial influence in inducing them to take more interest in their child and to do more to co-operate with the probation officer. The parent's report, however, is not a substitute for visits to the home by the probation officer. These are indispensable.

Digitized by Google

Form 6.

To be filled out by a parent of the child and sent to the Probation Officer

PARENT'S REPORT

Concerning.....
(Name of child)

1. Behaves how at home?

2. Spends evenings where, and how?

   Is usually at home in the evening by what time?

3. With bad associates or in bad places.

4. Absent from school or work, when?

   Why absent?

5. Remarks?

Signed.....
(Father or Mother)

Dated.....191....

Digitized by Google

Form 7. **Church Record.** The remarks concerning forms 5 and 6 apply in a degree to the use of form 7. Perhaps the greatest value of this form is the effect it has of stimulating clergymen and Sunday school teachers to take a more personal interest in the probationer.

Form 7.

To Probation Officer.....

Address .....

The **CHURCH RECORD** of.....
(Name of probationer)

During the month ending.....has been as follows:

Attendance on religious services for month ending....., 19.....,

Remarks on conduct, home conditions, needs, etc.....

Date..... 19..... .....
Clergyman or Sunday School Teacher.

Form 8. **Probation Officers' Monthly Case Report to the Court.** The law requires probation officers to report to the court or magistrate at least monthly concerning the conduct and condition of each probationer. (*Criminal Code,* § 11-a, *subdiv.* 2.) This report enables the court to know about the progress of each probationer and about the faithfulness and industry of the probation officer and in turn the requirement that he must make such a report may stimulate him to a more faithful performance of his duty. Form 8 is to be found opposite this page.

If the court or magistrate desires to keep the monthly case report, it is well for the probation officer to preserve a duplicate copy. Such reports or duplicates thereof should be filed in the case folder or in chronological order.

Form 9. **Probation History of Probationer.** This is perhaps the most important form furnished to probation officers. It is intended to show in chronological order and in diary or journal form all that happens during the probationary period. It is of value both while the person is on probation and often afterward, especially if he is again arrested.

Digitized by Google

Form 8.

MONTHLY CASE REPORT

Case No.

Docket No.

For the month ending....., 19.....

Name	Address. (If new, state the fact.)	Account No.

Probation began 19	To end 19	Judge	Transferred from —	When? 19

Charge or Cause	Conditions of probation

Contact during month of	Dates saw probationer (Since my last report to Court)			Dates communicated with probationer otherwise; how?
	At his home	At my office	Where else?	

Home conditions —	Cooperation of family with probation officer	School —	Attendance —	Remarks

Employment —	By whom?	Nature of position	Changed employer since last report?	Working steadily?	Weekly wages	If unemployed, how long; why?

Observance of conditions — Reported as required?	Left jurisdiction without permission?	Paid as required?	Any other violations?	General conduct	Attitude towards probation	Progress

Remarks. (Concerning probationer; violations, environment; cooperation of others; needs, actions or plans of probation officer, etc.)

I hereby certify that to the best of my knowledge and belief, all the statements in this report are correct.

(Dated)....., 19 (Signed).....
Probation Officer

The probation history is to be filed in the folder or envelope so as to be easily accessible whenever the court or magistrate desires to review the case in detail, as might occur in the event of the return of the probationer to court for violating his probationary conditions, or at the expiration of the probationary period.

For a sample history of one probation case see *Manual App. D.*

Digitized by Google

Form 9. **PROBATION HISTORY OF** Case No.

Page 1

Name Docket No.

Address when placed on probation | Changes in address (with dates) | Account No.

PART I. DIGEST

Probation began 19	Originally to end 19	Changed to end 19	Changed to end 19	Ended 19
Cause or charge			Judge	Investigated by
Probation officer	Transferred On....19...., to Probation Officer.... On....19...., to Probation Officer....			
Conditions of probation				

Month 19	Dates saw probationer: At home	At office	Elsewhere	Dates communicated with probationer otherwise	Progress	Remarks
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						

Page 2

PART II. FULL CHRONOLOGICAL HISTORY

Dates	Detailed Account in Diary or Journal Form of What Occurs During Probation, and Remarks.—*(Including conduct and surroundings of probationer; things said, done and learned by probation officer; things done by others; instructions; actions by court, etc. Entries to be made preferably in ink.)*
19	

Digitized by Google

Form 10. **Order of Probation.** This form is to be used by the court in recording the actual placing of the probationer on probation. It should be signed by the judge presiding at the time of conviction, and filed with the other records of the case in the probation officer's office.

Form 10.

ORDER OF PROBATION

....., having been convicted of

.....

is this day placed on probation for the period ending.....19.....

While on probation he shall indulge in no unlawful, disorderly, injurious, or vicious habits or conduct; shall avoid places and persons of disreputable or harmful character; shall report to the probation officer as directed; shall not leave the jurisdiction of the Court without permission, and shall observe such other conditions as are specified below or as may at any time be required by the Court, the justice thereof, or the probation officer.

The probationer while on probation shall pay a fine or restitution or reparation or family support to.....
(*name of beneficiary*)
to the amount of.....dollars and.....cents ($.....)

.....
(*manner of payment*)

.....

The probationer shall*

Dated this.....day

of.....19.....

.....
Justice

*State other conditions, if any.

Digitized by Google

Form 11. **Probationer's Report Card.** The probationer shall make regular reports to the probation officer as directed by the court. (*Criminal Code,* § 11-a, *subdiv.* 4.) This card is kept by the probationer and presented to the probation officer whenever a report is made.

Form 11.

To.....

You are this day placed on probation for a period ending.....
If you behave properly you will be discharged; if you do not, you can be returned to Court for commitment to an institution or other treatment. While on probation you must obey the following rules and regulations:

1. Indulge in no unlawful, disorderly, injurious or vicious habits or conduct. Avoid harmful associates and evil places.
2. Report promptly to your probation officer as directed.
3. Work, or go to school, regularly.
4. Do not leave the jurisdiction of this Court without permission. Notify your probation officer promptly of any change or contemplated change in your address.
5. Obey whatever other orders or advice the Court or your probation officer may give.
6. (Other conditions):

Dated.....191 .....
Justice

(*Face of Report Card.*)

Digitized by Google

BRING THIS CARD WHEN YOU REPORT

Report at.....

						REMARKS
JANUARY						
FEBRUARY						
MARCH						
APRIL						
MAY						
JUNE						
JULY						
AUGUST						
SEPTEMBER						
OCTOBER						
NOVEMBER						
DECEMBER						

The name of your probation officer is

(*Reverse of Report Card.*)

Digitized by Google

Form 12. **Pledge.** This form should be used very conservatively — never unless the probationer seems sincerely desirous of taking the pledge and there is reason to believe that he will observe it. It is usually wise to limit the period for which it is taken to a relatively brief time. One copy of the pledge should be given to the probationer and another copy should be retained by the probation officer. The pledge may be administered either by the judge of the court, probation officer or a clergyman. It is often most effective when administered by a clergyman.

Form 12.

In order to avail myself of the chance offered me, by being placed on probation, to become a sober and more useful citizen, I hereby solemnly take the following

PLEDGE

I will not taste or drink any intoxicating liquor of any kind for the period of at least_____ from to-day.

*Signed*_____

Date_____ 191

Form 13. **General Monthly Report of Probation Officer to Court.** Every probation officer must report in writing at least monthly concerning the conduct and condition of all probationers under his care. (*Criminal Code,* § 11-a, *subdiv.* 2.)

This form is divided in two parts; part one is given over to statistics of the officers' cases for the month, and part two is a complete list of the probationers under oversight at the end of the month showing their names, period of probation, etc.

Digitized by Google

Form 13.

General Report to .....
(Name of court or magistrate or chief probation officer)

For the month ending ....., 19.....

I hereby certify that to the best of my knowledge and belief, all the statistics and statements in this report are correct.

(Dated) ....., 19..... *(Signed)* ....., *Probation Officer.*

PART I. STATISTICS.

A. Probation Cases	BOYS	GIRLS	MEN	WOMEN	TOTAL
1. CONTINUED from previous month. (*Should equal A6 of Previous report.*)					
2. PLACED on probation by above court during month					
3. TRANSFERRED from other courts or other probation officers during month					
4. TOTAL on probation during part or all of month. (*Total of A1, A2 and A3.*)					
5. PASSED from my oversight during month					
6. REMAINING at end of month. (*Equals A4, minus A5.*)					
7. Number of those remaining at end of month who were ABSCONDERS NOT RECOVERED					
B. Preliminary Investigations					
1. DEFENDANTS INVESTIGATED before probation or other disposition					

C. Money Paid by Probationers	Through Probation Officer	Direct to Beneficiary
1. In FINES	$	$
2. In FAMILY SUPPORT		
3. In RESTITUTION and REPARATION		
4. TOTAL	$	$

D. Parole Cases and Miscellaneous	Boys	Girls	Men	Women
1. Persons on PAROLE from institutions remaining under my oversight.				
2.				
3.				

PART II. COMPLETE LIST OF PROBATIONERS UNDER MY OVERSIGHT AT END OF MONTH

(*Make entries below in the order desired by the Court.*)

	Name	Period began	Docket No.*	Charge	Case No.	Probationer reported to officer	Visited probationer	Paid as required?	Observed other conditions?	Period to end	Remarks	LEAVE BLANK
1		19								, 19		
2										, 19		
3										, 19		
4										, 19		
5										, 19		

Digitized by Google

Form 15.

MODIFICATION OF PROBATION.

To.....

.....

.....

This notifies you that your probation which began on.....

....., 19 is hereby modified as follows:

On and after.....19 , you are to be under the probationary supervision of Probation Officer....., whose address is....., and who is empowered to exercise such probationary supervision over you.

The period of your probation is changed to end on.....

.....19

The conditions of your probation are unchanged except as follows:

.....

.....

.....

.....

.....

.....

.....

.....

Dated this.....day of

.....19

.....

Justice.

Digitized by Google

Form 15. **Modification of the Order of Probation.** Form 15 is for use whenever the court or magistrate, or upon their order, the probation officer, makes any change in the period or conditions of probation, or when the court or magistrate, or with their permission, the chief probation officer, transfers the probationer to another probation officer. The provision of the Code of Criminal Procedure, § 11-a, subdiv. 2, that the probation officer shall furnish all probationers with a statement of the period and condition of their probation, seems to contemplate that he shall also furnish them with a statement of any modifications of the period or conditions of their probation. (*See Manual,* § 27.) Whenever a probationer is transferred from one probation officer to another in the same court, the transfer must be reported to the probationer and a record of the transfer must be filed with the records of the case. (*Criminal Code,* § 11-a, *subdiv.* 5.)

From the foregoing it appears that one copy of this form should be given to the probationer and another copy should be filed with the probation officer's records.

Form 16. **Request for Transfer of Probationer to Other Jurisdiction.** This form is used when a probationer is to be transferred to a probation officer in another court, but when the jurisdiction over the probationer is to remain in the court which originally placed him on probation. It is divided by a perforated line into two portions. The upper portion is intended for the probation officer who is requested to accept the supervision of the probationer. The lower portion is intended to be returned by such probation officer to the court desiring to transfer the probationer. (*See Manual,* § 40.)

Digitized by Google

Form 16.

Request for Transfer of Probationer to Other Jurisdiction

New York.

(*Name of court.*)

.....19

To Probation Officer.....

....., New York.

A person named....., aged.....years,

was convicted of, or adjudged.....

and was placed on probation in the above-named Court on.....191 ,

for a period ending on.....19 The probationer has

been placed under the supervision of Probation Officer.....

.....of this Court.

The probationer, whose present address is.....

....., New York, desires to reside at.....

....., New York, for these reasons:

.....

.....

.....

It seems likely that permitting the probationer to reside, as desired, outside the jurisdiction of this Court will promote his (her) welfare without making him (her) a menace or public charge to the community in which he (she) desires to reside.

Therefore, I respectfully request, pursuant to the provisions of the Code of Criminal Procedure, Section 11-a, Subdivision 5, that you notify me as early as possible, on the attached certificate of acceptance, whether you will agree to supervise the above-named probationer while he (she) resides in your jurisdiction. If you will do so, you are hereby authorized, upon signing and returning the attached certificate of acceptance, to supervise the said probationer, in accordance with law, on and after the date on which you sign and return the said certificate (or on and after.....19).

Respectfully,

.....*Probation Officer*,

.....

....., *New York.*

Approved:

.....

Justice.

Digitized by Google

Form 16. *(Continued)*

Certificate of Acceptance of Transfer of Probationer

....., *New York.*

(Name of court.)

.....19

To Probation Officer.....

....., *New York.*

Complying with your request of.....19

I hereby agree, on and after.....19 , to exercise probationary supervision over.....

who was placed on probation in the.....Court of

....., New York, on.....19 , for a period ending on.....19

I agree, while the probationer remains under my supervision, to report monthly concerning the conduct and condition of the said probationer to the Court which placed the probationer on probation.

Respectfully,

....., *Probation Officer,*

.....

....., *New York.*

Approved:

.....*Justice.*

Digitized by Google

Form 17. **Transfer of Probationer from the Supreme Court to the County Court of the Same County.** This form is intended for use when the jurisdiction over a probationer placed on probation in the Supreme court is to be transferred completely to the county court of the same county. (*See Manual,* § 41.)

Form 17.

TRANSFER OF PROBATIONER FROM SUPREME TO COUNTY COURT.

THE PEOPLE OF THE STATE OF NEW YORK

vs.

.....

The above-named....., having been convicted in the Supreme Court of.....County, on.....19 , of.....

.....

and having been placed on probation on.....19 is hereby transferred, upon his consent, to the jurisdiction of the County Court of .....County, pursuant to the provisions of Subdivision 3 of Section 483 of the Code of Criminal Procedure.

The above-named probationer shall continue on probation under the control of the above-named County Court for such period and under such conditions as have already been determined or as the said County Court or the judge thereof shall hereafter determine; and his status as a probationer shall hereafter be the same as though he were originally placed on probation by the said County Court.

Dated this.....day of
.....19

.....

Justice.

Digitized by Google

Form 18. **Warrant for Probationer.** (Bench Warrant.) Form 18 is to be used when a court desires to issue process for the re-arrest of any probationer who has violated the conditions of his probation. (See *Manual,* § 35 *and* § 66.)

FORM 18

WARRANT FOR PROBATIONER.

STATE OF NEW YORK }
COUNTY OF..... } *ss.:*

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK:

To any sheriff, constable, marshal, police officer in this State [or in the County of .....] or to any probation officer of this Court.

Whereas.....

who was convicted in the .....Court

of....., New York, on.....19 ,

on the charge of.....,

and who was placed on probation on said charge, has violated the conditions of his probation;

You are hereby commanded forthwith to arrest the above-named.....

.....and bring him before the above-named Court, or if the said Court is adjourned, to deliver him to the proper authorities to be kept in custody until lawfully released.

Dated this.....day of }
.....*191* } .....
Justice.

(Seal)

Form 19. **Summons for Adult Contributory Delinquency.** Whenever a person is believed to have contributed to or is responsible for the delinquency of any child, such person may be summoned to appear before the court upon an oral or written complaint, to the end that an investigation may be made into the charge. (*Penal Law,* § 494, *subdiv.* 2.) This form may be used by the magistrate in making such a summons. (See *Manual,* § 32.)

Form 20. **Probation Officer's Receipt Book.** Probation officers must keep accurate and complete accounts of all moneys collected from probationers in fines, give receipts therefor, and make at least monthly returns thereof. (*Criminal Code,* § 11-a, *subdiv.* 2.) The receipt book contains duplicate pages so that when a

Digitized by Google

sum of money is received from a probationer the original receipt is to be torn out and given to that probationer, and the duplicate is to remain in the book as a reference for the probation officer. (See *Manual*, § 59.)

Form 19.

SUMMONS FOR ADULT CONTRIBUTORY DELINQUENCY

STATE OF NEW YORK,
COUNTY OF..... } ss.:

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK:

To.....

.....

You are hereby summoned to appear before the.....

.....Court of....., New York,

on the.....day of.....19 , at.....o'clock in the

.....noon, to the end that an investigation may be made into the charge that you have

contributed to, or are responsible for.....
(*state charge and the name of child*)

.....

.....

Upon your failure to appear at the time and place herein mentioned you are liable to a fine not exceeding twenty-five dollars ($25.00).

Dated at....., *New York.* .....
Justice.

this.....*day of*.....191

Form 20. **PROBATION OFFICE** *No.*.....

NEW YORK,.....191.....

Received of.....

the sum of.....Dollars and.....Cents ($.....)

in payment of *family-support, restitution, reparation, a fine* { *Cross out unnecessary items*

as required by court order.

THIS RECEIPT IS TO BE KEPT BY THE PERSON ON PROBATION

(*Signed*).....
(Probation officer)

.....

Digitized by Google

Form 21. **Beneficiary's Receipt.** A perforated line divides this blank into two receipts, one of which is to be kept by the person on probation making the payment for family support or restitution, and the other to be given or sent to the probation officer under whose jurisdiction the probationer was placed. Both receipts are to be signed by the beneficiary receiving the money and the receipt forwarded to the probation officer is to be verified by that officer. It is to be used especially in cases of payment of family support where the probationer pays directly to his wife without availing himself of the agency of the probation officer in making the transaction. In this way it is not necessary for the beneficiary to come to the court to receive the money from the probationer.

Form 21.

☞ **To Be Kept By The Person On Probation**

No. B.

New York, _____, 191

This Certifies that I have this day received from _____

_____
(Name of person on probation)

the sum of _____ Dollars and _____ Cents ($_____)

in payment of family-support (or restitution).

(Beneficiary sign here) _____

(Witnessed by) _____

Form 21.

☞ **To Be Given Or Sent To The Probation Officer**

No. B.

New York, _____, 191

This Certifies that I have this day received from _____

_____
(Name of person on probation)

the sum of _____ Dollars and _____ Cents ($_____)

in payment of family-support or restitution.

Verified by Probation Officer
_____
_____, 191 .

(Beneficiary sign here) _____

(Witnessed by) _____

Digitized by Google

Form 22. **Probation Officer's Receipt.** This blank is an individual receipt which corresponds in substance to the receipt found in form 20. It is to be kept by the probation officer and is to be signed by the beneficiary receiving the payment for family support, restitution or reparation.

Form 22.

....., NEW YORK, ..., 19.....

Received, this day from Probation Officer .....

.....Dollars and.....Cents ($), collected by said Probation Officer, pursuant to Court Order from.....
(*Name of probationer.*)
for family-support or restitution or reparation. {Cross out two items}

PROBATION OFFICER
KEEP THIS RECEIPT

(Signed).....

(Witness).....

Form 23. **Pages for Loose-leaf Ledger Book.** The ledger book is to be used for keeping the different ledger accounts of the probationers in alphabetical order. (See *Manual,* § 86, for sample pages.)

Form 23a. **Loose-leaf Ledger Book.** This book is referred to in the *Manual,* § 86, in connection with form 23.

Form 24. **Probation Officer's Cash Book.** Sample pages of this book and a detailed description of its use are to be found under *Manual,* § 86.

Form 25. **Index of Juvenile Probationer.** Form 25 is to be used as a reference card and is to be filed in alphabetical order. It contains in detail the fundamental facts regarding the probationer, together with his record, while on probation.

Form 26. **Index of Adult Probationer.** Excepting that this form refers to adult cases only, it is in substance the same as form 25.

Form 27. **Index Juvenile Court.** This form is similar to forms 25 and 26, with the exception that instead of having spaces to be filled in referring to the probationer's record while on probation, it provides a place to record the juvenile court and institutional record of the offender.

Digitized by Google

Form 25. **INDEX JUVENILE PROBATIONER — Name** | **Nickname** (*if important*) | **Case No.** | **Original entry** *by*..... ....., *19*

Facts at time of original entry

Sex	Age — birthday — year	Color	Race: father	Race: mother	Country of birth: child	Country of birth: father	Country of birth: mother	Length of residence: in U. S.	Length of residence: here

Complexion	Eyes	Hair	School	Occupation	Religion: father	Religion: mother	Lives with

Family — name —	occupation	remarks
father.....		
mother.....		
others in family		

Home conditions

Remarks

Account Nos.

PROBATION RECORD

PERIOD BEGAN	RESIDENCE	DOCKET NO.	JUDGE	COMPLAINT	PROBATION OFFICERS	PERIOD ENDED	RESULTS	*Entry by*
....., *19*								
....., *19*								
....., *19*								
....., *19*								
....., *19*								

OTHER COURT RECORD	Date arraigned	Complaint	Disposition	Date arraigned	Complaint	Disposition
	....., *19*			....., *19*		
	....., *19*			....., *19*		

Digitized by Google

Form 26. **INDEX ADULT PROBATIONER**—Name | Alias | Case No. | Original entry by..... ,19

Facts at time of original entry

Sex	Age — birthday — year	Color	Race: father	Race: mother	Country of birth: self	Country of birth: father	Country of birth: mother	Length of reside: in U. S.	Length of reside: here

Citizen	Complexion	Eyes	Hair	Other description

Education read — write	Occupation	Religion	Lives with

Conjugal condition — family	Previous convictions — institutional record	Account Nos.

PROBATION RECORD

PERIOD BEGAN	RESIDENCE	DOCKET NO.	JUDGE	CHARGE	PROBATION OFFICERS	PERIOD ENDED	RESULTS	*Entry by*
,19								
,19								
,19								
,19								
,19								

OTHER COURT RECORD	Date arraigned	Charge	Disposition	Date arraigned	Charge	Disposition
	,19			,19		
	,19			,19		

Digitized by Google

Form 27. **INDEX JUVENILE COURT**—Name | Nickname (*if important*) | Case No. | Original entry *by* *19*

Facts at time of original entry

Sex	Age — birthday — year	Color	Race: father	Race: mother	Country of birth: child	Country of birth: father	Country of birth: mother	Length of residence: in U. S.	Length of residence: here

Complexion	Eyes	Hair	School	Occupation	Religion: father	Religion: mother	Lives with

Family — name — occupation — remarks

father .....

mother .....

others in family

Home conditions

Remarks

JUVENILE COURT AND INSTITUTIONAL RECORD

DATE ARRAIGNED	RESIDENCE	DOCKET NO.	COMPLAINT	INVESTIGATION	DISPOSITION — REMARKS	*Entry by*
, 19 .						
19 .						
, 19 .						
, 19 .						
, 19 .						
, 19 .						
, 19 .						

Digitized by Google

Form 28. **Index of Convicted Adult.** Form 28 is similar to form 27, except that it applies to adult cases instead of cases of children.

Form 29. **Probation Book.** In the probation book the different cases coming under the probation officer's oversight are to be recorded, arranged in chronological order. It makes provision for record of the date on which probation began, the name, address and age of the probationer; the charge against him, the court docket number and judge before whom he was arraigned; the periods of probation, the payments he is required to make, the probation officer to whose oversight he has been assigned, and columns for miscellaneous remarks on results achieved.

Form 29a. **Pages for Probation Book.** The Commission also furnishes separate pages similar to the pages in the probation book mentioned above, to be used by officers who do not have a sufficient number of probationers to warrant the use of the large book, form 29.

Digitized by Google

Digitized by Google

Digitized by Google

Form 28. **INDEX CONVICTED ADULT**—Name | Alias | Case No. | Original entry by 19

Facts at time of original entry

Sex	Age — birthday — year	Color	Race: father	Race: mother	Country of birth: self	Country of birth: father	Country of birth: mother	Length of residence: in U. S.	Length of residence: here

Citizen	Complexion	Eyes	Hair	Height	Weight	Other physical description

Education — read — write	Occupation	Religion	Lives with

Conjugal condition — family	Previous convictions — institutional record	Remarks

COURT AND INSTITUTIONAL RECORD

DATE ARRAIGNED	RESIDENCE	DOCKET NO.	CHARGE	INVESTIGATION	DISPOSITION — REMARKS	*Entry by*
....., 19 .						
....., 19 .						
....., 19 .						
....., 19 .						
....., 19 .						
....., 19 .						
....., 19 .						

Digitized by Google

Form 30. **Probation Officer's Monthly Statistical Report to State Probation Commission.** For detailed explanation of the use of this blank, see *Manual,* § 90.

Form 31. **Bond for Adult Contributory Delinquency.** Whenever a person is convicted of contributing to the delinquency of a child, as defined in the Penal Law, § 494, subdiv. 1, and sentence is suspended, the court may place the defendant on probation for a period of not more than one year provided that the court may cause the defendant to give a bond to the people of the State of New York, with or without sureties in a sum not to exceed $500. (*Penal Law,* § 494, *subdiv.* 3.)

Manila Folder for Case Record. All probation officers should use either a folder or envelope for filing purposes. The folders provided by the Commission are of two sizes, as follows: Bill size measures 9½ by 7⅜ inches, and the letter size measures 11¾ by 9½ inches. These are standard sizes made to fit filing cabinets. Folders may be obtained either from the Commission or from local dealers who sell office supplies. The use of the folder is described in the *Manual,* § 84.

Volunteer Probation Officer's Report. This form is to be used by the chief probation officer of courts where volunteers are used. It provides space for the names of the different volunteers, the number of cases received and discharged by each one, the number of investigations made, and the amount of money collected by each.

§ 84. **Indexing and Filing Systems.** The most convenient and practical way of preserving records is to file them in manila envelopes or folders, which in turn are kept in numerical or alphabetical order in a filing cabinet or box. All records and papers concerning any one case should be placed in the same folder or envelope. In such folder or envelope may be filed not only the report of the preliminary investigation, the probation history, the monthly case reports, and the school, parent's and church reports, but also all letters, telegrams, newspaper clippings and any other material that refers to the case.

At the top of the folder supplied by the Commission is a space for the number of the record. When a probation officer is not expecting to receive many persons on probation his folders or

Digitized by Google

Form 31.

BOND FOR ADULT CONTRIBUTORY DELINQUENCY

(Penal Law, § 494)

STATE OF NEW YORK }
COUNTY OF ..... } ss.

Whereas an information has been laid before.....
the Judge of the.....Court of.....
in the county of....., charging.....,
the defendant, with violating Section 494 of the Penal Law in that he has contributed to,
or is responsible for, ...
(State charge and name of child or children)
.....
.....
.....;

and whereas the defendant has appeared before the said judge for an investigation of the said charge; and whereas

(1) the investigation has been adjourned for one year upon the consent of the defendant,

(or 2) the defendant has been convicted of the said charge and placed on probation for the period ending....., 191...., and been required to give a bond;

Strike out either (1) or (2)

Now, we,..... ...., the defendant residing at....., in....., by occupation a..... ...., and ....., residing at..... ....., in....., by occupation a..... ....., and ....., residing at....., in....., by occupation a..... ...., sureties, do hereby jointly and severally undertake that the said....., the defendant, shall, during the period of adjournment or of probation, as the case may be, exercise reasonable diligence in the discipline and control of the said.....
(Name of child or children)
to prevent a continuance or repetition of the condition, conduct, act, acts, offense or offenses of such child(ren), which was the special cause of the above-mentioned investigation; and that during the period of adjournment or of probation, as the case may be, the defendant shall appear in court from time to time as may be ordered by the judge, and also, if the investigation has been adjourned, upon the adjourned date, and that if the defendant fails to comply with the above requirements we will pay the People of the State of New York .....Dollars.

Dated this.....day of....., 191.....

Signed.....

.....

Digitized by Google

envelopes may be filed alphabetically, but if the number of cases reaches into the hundreds, they should be filed numerically according to their case numbers. When the folders or envelopes are filed numerically it is best to have a card index to act as a guide to the folders or envelopes.

When both the card index and the folders are used, the folders should be numbered consecutively according to the order in which the cases receive their numbers. After the folder is numbered, the same number should be given to the index card which corresponds to the folder.

§ 85. **Directions for Ordering Forms from the Commission.**

A. Order, if possible, at least one week in advance of the time the forms are desired.

B. Probation officers who desire a supply of forms for general purposes are advised to inform the Commission of the approximate number of cases of children, and the approximate number of cases of adults for which the forms are needed, and then to let the Commission determine the quantities of the different forms which should be sent.*

If a probation officer desires forms only for children's cases, or only for adult cases, he should so inform the Commission. If the probation officer investigates considerable numbers of cases of persons who are not placed on probation he will likely need more of the forms for preliminary investigations (form 3 for children and form 4 for adults) than he would if the number of investigations corresponded approximately to the number of cases actually placed on probation under his oversight. Whenever such a probation officer orders forms he should state the extra number of these forms which should be sent.

* For instance, if a probation officer receives 25 children on probation for periods averaging six months each, he would need 25 copies of form 11. If he reports to the court on each case monthly, he would require as many monthly case report forms (form 8) as the number of cases (25), multiplied by the average length of each probationary period measured in months (6), which would equal 150 monthly case report forms. If the probation officer receives weekly reports from teachers concerning, say 15 of the 25 children, he would require as many weekly school report forms (form 5) as would equal the number of cases (15), multiplied by the length of the probationary periods in weeks (26), which would equal 390 weekly school reports. If in 10 of the cases the officer requests a written report each week from parents, and a report each month from clergymen, he would need by a similar computation, 260 copies of form 6 (parents' report), and 60 of form 7 (church record).

Digitized by Google

C. If an order includes the manila folders, indicate the size desired. The bill size measures 9½ by 7⅜ inches; the letter size measures 11¾ by 9½ inches.

D. If a probation officer prefers to designate the quantity of each form which he desires, he should —

1. Indicate each form by its number.

2. Order in a quantity not to exceed the needs for six months. See that the relative quantities of the different forms ordered, correspond to the relative quantities which will be needed.

E. The following style of order is suggested for use in requesting the State Probation Commission to supply forms:

"STATE PROBATION COMMISSION, ALBANY, N. Y.

Dear Sirs:— Please send me enough forms for use in 25 cases of juvenile probationers and 50 cases of adult probationers, each person being on probation for an average period of one year. Since I investigate cases which are not placed on probation, please send me 25 extra copies of form 3, and 40 extra copies of form 4.

Yours very truly,

A ———— B ————,

Probation Officer."

§ 86. **Accounts of Moneys Collected and Disbursed by Probation Officers.** Probation officers are required to keep accurate and complete accounts of all moneys collected from probationers in fines, restitution, reparation and payments for family support, or in any other form; to give receipts therefor, and to make at least a monthly return thereof. (*Criminal Code,* § 11-a, *subdiv.* 2.)

It is a misdemeanor for any probation officer to falsify any account or wilfully omit or refuse to pay to the proper officer or authority, empowered to demand and receive the same, any money received by him by virtue of his office. (*Penal Law,* §§ 1865, 1866.)

All moneys collected by probation officers in fines should be paid as early as possible to the clerk of the court. All moneys collected by probation officers from probationers in restitution or reparation should be paid as early as possible to the injured party for whom such restitution or reparation is intended. All moneys collected by probation officers from probationers for family support should be paid by the probation officer as early as possible to the probationer's wife or some other member of the family or some other person properly authorized to receive such money. Probation officers should give a receipt for each sum of money received and they should them-

Digitized by Google

selves secure a receipt for each sum of money which they disburse. For this purpose either a simple receipt blank or the receipt blanks furnished by the State Probation Commission may be used.

It is inadvisable for probation officers to keep the savings of probationers.

All moneys collected from probationers and not paid at once to the beneficiaries, should be kept separate and apart from the probation officer's own money. It is desirable for each probation officer to have a special bank account for moneys collected from probationers and to make his payments to the beneficiaries through checks. This method prevents any misappropriation of funds which might otherwise occur through carelessness and is an aid in auditing the accounts. Furthermore, the checks which a probation officer issues act as receipts.

The accounts which a probation officer keeps of the payments made by probationers and of the disbursements of such moneys by the probation officer should be as simple as possible and admit of easy audit. If a probation officer receives payments from not over half a dozen probationers, he will need to keep only a ledger account, but if he receives payments from more than that number he should keep both a ledger and a cashbook. In the ledger can be kept the accounts of each probationer separately, while in the cashbook are entered all receipts and disbursments in their respective chronological orders.

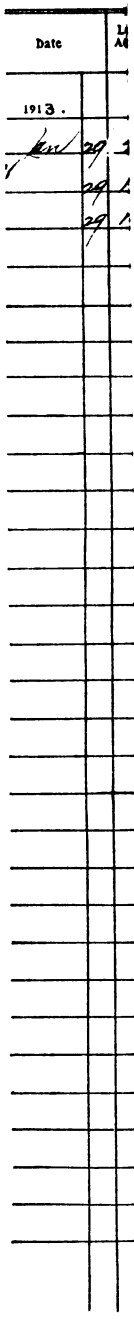
In starting a cashbook, a probation officer should enter all receipts on the left hand pages and all disbursements on the right hand pages. If a probation officer receives moneys from probationers in payment of family support, fines and restitution, it will facilitate his bookkeeping if he has four parallel columns on each page of the cashbook, one column for each of these items and the fourth column for the total. Facing this page are specimen pages from a cashbook.

Referring to the page of the cash book on which receipts are entered, it will be seen that the left-hand column is for the entering of the date of the payment by the probationer; the next column is for entering the page of the ledger in which the payment is subsequently posted; the next column is for entering the name of the probationer to whose account the payment is to be credited; the next column is for entering the name of the person actually making the payment in case the probationer does not make the payment himself; the next column is for entering the amount paid for family support; the next column is for entering the amount paid on a fine; the next column is for entering the amount paid for either restitution or reparation, and the last column is for entering the total amount of the payment which will generally be a repetition of the amount in one of the three preceding columns. Although this last column apparently requires extra work in entering the payments a second time it really saves time in the end for it facilitates the balancing of accounts.

Referring to the page of the cash book devoted to disbursements or expenditures, it will be seen that the columns correspond with those on the receipt side, except that in the third column are entered the names of the persons to whom the probation officer pays the money. If a payment by a probationer is paid by the probationer officer to the probationer's wife, it is necessary to enter on the disbursement side in the proper column the name of the wife. If the payment by the probationer is in payment of a fine, the money should be paid by the probation officer to the clerk of the

Digitized by Google

Form 24



Digitized by Google

Digitized by Google

court and the disbursement side of the cash book should therefore show either the title (clerk of court) or the name of the clerk. The mere entry of the title or name of the clerk, however, would not in itself indicate by whom the fine had been paid and, therefore, it is desirable to enter opposite the title or name of the clerk a note showing by whom the payments were made. Referring to the disbursement page the reader will see that the payment of $3 made to the clerk of the court on January 30 was made by the probation officer in behalf of a probationer named Overman. The same method of indicating the source of the payment is used when the payment is made for restitution or reparation to a person whose name is different from that of the probationer. For example, the disbursement page of the cashbook shows that the payment of $12.50 for restitution made on January 31 was made in behalf of a probationer named Train.

As soon as one side of the cashbook is filled, that page and the opposite page should be balanced and the balance should be carried forward on the appropriate side of the next set of pages. The cashbook should be balanced frequently in order that the probation officer may keep his accounts accurate.

Each entry of receipts or disbursements in the cashbook should be entered also either at the time or as early as possible afterwards in the ledger account of the probationer.

The ledger accounts may be kept either in a bound book, a loose leaf book, or on cards. The Commission prints a form for use in keeping ledger accounts in loose leaf style and it recommends that probation officers use this system. If the ledger accounts are kept in loose leaf style, the accounts are clasped in a loose leaf binder in order either by name or number. As soon as an account is completed it may be taken out of the loose leaf binder and deposited in the case folder or envelope. This means that the binder would contain only the incomplete or active accounts. The number of such accounts would usually be sufficiently small to make it practical and desirable to keep the accounts in the loose leaf book in alphabetical order. The book may be supplied with an alphabetical guide which makes it easy to locate any particular account quickly. The accounts can be turned to more readily when kept in the loose leaf style than when kept in a bound book, because in the latter the accounts are entered not in alphabetical order but in the order in which the probationers were placed on probation. The bound ledger necessitates that the probation officer shall search in the index in order to find an account.

In the ledger accounts each probationer has either a separate page in the loose leaf book or a separate page in the bound ledger.

The simplest form of ledger account is to be found opposite the following page.

Referring to the ledger page it will be seen that the account is that of probationer John Smith with his wife (the beneficiary) Mary Smith. Next is a description of the order made by the court, namely, that John Smith shall pay five dollars a week for twenty-six weeks to his wife for her support. The left-hand column gives the date on which the payments are made either by the probationer to the probation officer or by the probation officer to the wife. The next column gives the reference to the page of cashbook in which each item has been previously recorded. Thus on page 54 of the cashbook will be found an entry of the fact that on January 22d John Smith paid the probation officer

Digitized by Google

$5, and on January 29th he made a second payment of $5. Likewise, page 61 of the cashbook will show that on January 30th the probation officer paid $10 to the probationer's wife, Mary Smith. If the probation officer both receives and pays the same sum of money on the same day, the receipt and the payment should be entered not on the same line but on different lines.

As soon as one column on a ledger page is filled or as soon as the probationer has made all of his payments the account should be balanced. When all the payments have been made the total footing of the column entitled "Received by probation officer from probationer" should equal the total amount which the court ordered to be paid and which is indicated at the top of the page. In case the court at any time during the probation modifies its order by either increasing or reducing the amount of payments required by the probationer, a memorandum to this effect should be entered on the ledger page opposite the date on which such a change was made.

The ledger account when completed should show that the full amount received by the probation officer from the probationer has in turn been paid by the probation officer to the wife. The probation officer should also preserve a receipt signed by the wife or her representative for each payment made to her. These receipts may be kept either in the case folder or may be pasted in a voucher book. It is usually desirable to keep them in a case folder, clipping them together in their chronological order. All receipts should be preserved for the protection of the probation officer in case any beneficiary at any time claims that he or she has not received moneys due. They are also necessary in auditing accounts.

When a probationer is required to pay a fine, the heading of the ledger account should read: (Probationer)———— in account with the ———— Court." The memorandum immediately below should read to the effect that the court has ordered the probationer to pay a fine of a certain amount in certain stipulated instalments.

When a probationer is required to pay restitution or reparation, the heading of the account on the ledger page should read: "(Probationer) ———— in account with, ———— (beneficiary)." The memorandum describing the court order should read to the effect that the court has ordered the probationer to pay a certain amount of restitution in certain stipulated instalments.

If a probation officer has had experience in bookkeeping he may prefer some other form of ledger account, as the debit and credit account, but this sort of account involves more writing. The form of ledger recommended above, however, is equally as satisfactory and has the advantage of being simpler.

All entries in both the cashbook and the ledger as well as all receipts should be written in ink.

The ledger accounts may be kept either in a book or on an index card. If kept on an index card the full account may then be easily filed in the case folder.

§ 87. **Accounts of probation officers' expenses.** Probation officers should keep accounts of all expenses incurred by them in the performance of their official duties, regardless of whether their expenses are paid from public funds, from some private society

Digitized by Google

Digitized by Google

Digitized by Google

or by themselves. Usually this requires simply the entry on a loose-leaf page, a card or in a book, of the dates, items and accounts of their expenses in chronological order. If a probation officer's expenses are sufficiently varied and the number of items are sufficiently large, it may be advisable to use a parallel column system of keeping accounts of the expenses. Above one column have carfare, another column for postage, stationery and other office expenses, etc.

§ 88. **Accounts of Relief.** Probation officers should also keep accounts of all relief expended or furnished by them for the benefit of defendants or probationers. Since any money spent by the probation officer for relief will come largely, if not wholly, from private sources, the accounts should show the source from which it is obtained. The account should also show the name of the defendant or probationer receiving the relief and should indicate the purpose for which it was given, as, for food, clothing, rent, transportation, medicine, tools, etc.

§ 89. **Reports to the Commission of Appointments, Resignations and Removals of Probation Officers.** A copy of each order of appointment of a probation officer must be filed with the State Probation Commission. (*Criminal Code,* § 11-a. *See Manual,* § 4.)

The State Probation Commission, upon receiving notice of the appointment of a probation officer, sends the officer a special report blank on which he is required to give the Commission further information concerning his appointment.

The Commission would be pleased to receive notification of any resignations or removals of probation officers.

§ 90. **Probation Officers' Monthly Statistical Reports to the Commission; Directions Concerning Their Use.** The Commission requires probation officers to send it monthly statistical reports concerning their work. For this purpose it suplies them with a statistical report blank each month. Each probation officer is requested to mail such report to the Commission on or before the 5th day of each month. Facing the following page is a copy of the blank which is now in use for this purpose, showing in detail the way in which it should be prepared.

In making out a monthly statistical report a probation officer should first refer to his report for the preceding month, in order to learn the exact number of boys, girls, men and women reported as remaining under his

Digitized by Google

probationary oversight at the close of that month. This information will be found opposite the item under "A—General Statistics," and numbered "VI." After finding the figures opposite this item ("A—VI") in the preceding monthly statistical report, the probation officer should copy them in the space opposite "A—I" on the report blank which he is about to fill out. (In other words, the number of cases remaining under a probation officer's oversight at the close of any month is also the number continued under his oversight into the next month. Therefore the figures opposite "A—I" in a report should always be the same as those opposite 'A—VI" in the report for the preceding month.)

The probation officer should next enter in the spaces opposite "A—II" the numbers of persons placed under his probationary oversight during the month for which he is reporting. The cases reported opposite "A—II" should not include any transferred from other probation officers. Those received during the month on transfer from other officers should be entered opposite "A—III," and the name and court address of the officer from whom the cases were received should be written in the margin opposite "A—III."

Probation officers are not supposed to include in their reports any statistics concerning cases of "unofficial probation," unsupervised suspended sentence, or parole.

The totals of "A—I, II, and III" should equal the totals opposite "A—IV." The total of "A—IV" in turn should equal the total of "A—V," (number passed from probation, plus) "A—VI," number remaining on probation at end of month.

Under "B—Classification of Offenses," the probation officer should report the charges or offenses of only those cases which were placed under his probationary oversight during the month directly by the court. Cases received on transfer from other probation officers should not be reported under "B." The total number of cases reported under "B" should equal the number reported above under "A—II."

The total number of cases reported under "C" should equal the number of cases reported under "A—V."

In filling in the number of persons discharged with improvement, probation officers should be careful to include only those in whose cases a marked improvement is noticeable. If the probation officer has performed his work carefully and faithfully by inquiring into the conduct and habits of the probationer while on probation he will be able in most cases to determine whether there has been improvement or not. In making this judgment the probation officer should, first, consider whether the probationer has fulfilled all of the terms and conditions of his probation or not; second, what his habits and associations have been since being placed on probation; third, how regular he has been in making reports to the probation officer or to the court, if he has been required to do so.

Under "D—Number of Defendants Investigated" should be included only such cases as were investigated at the request of or with the consent of the court or magistrate before the defendants were discharged, placed on probation, or otherwise sentenced. All investigations, visits and inquiries concerning each separate defendant should be reported as *one* defendant investigated. Investigations concerning a probationer after he is placed on probation should not be reported here.

Digitized by Google

Digitized by Google

Digitized by Google

Under "E—Amount of Money Collected from Probationers for the Support of Their Families," should be included only such money as is personally collected by the probation officer. It should not include moneys paid by probationers directly to their families. Where money is paid by probationers directly to their families separate notation may be made at the bottom of the report and the probation officer should designate such payments as "Paid at Home."

Under "F — Amount of Money Collected from Probationers in Fines," should be included all moneys paid by probationers in fines, whether through the probation officer or directly to the court.

Under "G—Amount of Money Collected from Probationers in Restitution," should be included all money paid by probationers in restitution, whether through the probation officer or through other persons or directly to the aggrieved party.

It is important to have the statistics collected by the Commission grouped according to jurisdictions, and this compels the Commission to request probation officers who serve in several courts to divide their monthly statistical reports in the following manner:

If a probation officer serves in a county court and the Supreme court of the same county he should report all his cases from these two courts on the same blank. He should not report for any other court on this blank.

If such a probation officer serves also in a court of a city, he should report for that city on a separate blank. If he serves in the courts of more than one city, he should make a separate report for each city. The blank on which he reports for a city court should contain no cases from any other place.

If a probation officer serves in one or more village or town courts in a county, he should report all his cases from such courts on a single report blank. The blank containing his report for such town and village courts should not include any cases from any city, county or Supreme court.

To illustrate, if a probation officer serves in the county and Supreme courts of a county, in one city court, and in several village and town courts of the same county he should make three separate reports each month: one report covering the county and Supreme courts; one covering the city court, and one covering the village and town courts. If he serves in the courts of two or more cities he should make a separate report each month for each city. If he serves in the courts of a city and also in town or village courts he should make one report for the city and one report for the towns and villages.

Cases transferred from another court or from outside of the county should be accredited to the court making the transfer, and should be reported on the blank on which cases in that court would be reported if they were placed under the probation officer's care directly by the court. That is: If a probation officer serving in "X" county receives a case on transfer from "Y" county he should make a separate report for that case and should head it as coming from the court of "Y" county as if he were a regular officer in the court of "Y" county.

At the top of each monthly statistical report blank the probation officer should insert the names of all courts from which cases are reported on such blank, except that when a probation officer serves in several town or

Digitized by Google

village courts in the county he may designate them collectively as "Courts of towns and villages in ——— county."

In case any probation officer at any time fails to receive a sufficient number of report blanks to enable him to send separate reports as called for above the Commission will promptly supply them upon request. It will also supply duplicate blanks in order that the probation officers may preserve a record of their reports to the Commission, or that they may file a duplicate report with the court. The keeping of duplicates is advisable in all cases inasmuch as it lessens the likelihood of an error in compiling the statistics at the end of each month.

§ 91. **Other Reports by Probation Officers to the Commission.** The Commission from time to time requests probation officers to send it other kinds of reports than the monthly statistical reports. The Commission has requested (a) reports concerning cases of persons on parole, and (b) reports concerning probationers who have absconded.

(a) The parole reports relate to persons received on parole from institutions. The purpose of collecting reports in these cases is to learn the extent to which probation officers are receiving persons on parole from institutions.

(b) During the spring of 1911 the Commission began to make special inquiries concerning probationers reported by probation officers in their statistical reports as having absconded. These inquiries are for the purpose of collecting information which will be useful in learning how the number of absconders can be decreased.

§ 92. **Probation Statistics.** The monthly statistical reports made by probation officers to the Commission are used by it in compiling statistics for the entire State. These statistics are published in the annual report of the Commission to the Legislature.

The probation officers in the larger courts usually compile statistics showing the extent of the use of the probation system in their court during the year. For this purpose they often find it helpful to preserve a duplicate copy of their monthly statistical reports to the Commission. These monthly reports to the Commission may be used as a monthly statistical report to the court, and at the end of the year may be consolidated into an annual report.

Digitized by Google

CHAPTER 6.

State Probation Commission.

		PAGE
Section 100.	Development of probation in New York State	119
101.	History of State investigation and supervision	121
102.	State Probation Commission Law	121
103.	Organization and employees of Commission	121
104.	Duties and powers of Commission	121
105.	Methods of work	122

Digitized by Google

Digitized by Google

CHAPTER 6.

State Probation Commission

§ 100. **Development of Probation in New York State.** Following is a list of the more important steps in the development of the probation system in New York State:

1901: First probation law enacted on April 17; became effective on September 1; applied only to adults in city courts

Law creating Buffalo Children's Court provided for first volunteer probation officers in State for children.

1902: Law authorizing appropriation of salaries for probation officers in New York city.

1903: Law extended system to children and to courts throughout the State.

1904: Law authorized New York city to pay salaries to women probation officers.

1905: Law authorized all cities to pay salaries to probation officers.

Temporary State Probation Commission established by the Legislature and appointed by the Governor to investigate the system and report the following year.

1906: First publicly salaried probation officers appointed in New York City Magistrates' Courts, Utica, Watertown, Amsterdam and Syracuse.

First civil service examinations for probation officer held in New York city, Syracuse, Rochester and Yonkers.

First local probation associations organized in Brooklyn and Buffalo.

1907: Present State Probation Commission created on June 6th; began work on September 1st.

State Probation Commission began collecting statistics and making inspections and investigations.

1908: Legislature authorized appropriations by boards of supervisors for probation officers in county courts.

First salaried probation officers in nine county courts appointed.

Commission published and supplied blank forms for use by probation officers.

Commission held the first State conference of probation officers.

Commission published the first State directory of probation officers.

Commission began making suggestions and recommendations to magistrates and probation officers.

1909: Legislature authorized salaried probation officers of county courts to serve in the Supreme court and in the courts of all towns, villages and third-class cities, in their respective counties.

Legislature authorized the payment of the expenses of probation officers.

Commission assisted for the first time in conducting civil service examinations for probation officer.

Digitized by Google

1909: Commission organized the first State conference of city magistrates.

Commission brought about the establishment of the Buffalo Municipal Juvenile Detention Home — the first such institution in the State.

National Probation Association organized in Buffalo.

1910: Legislature enacted amendments to the Code of Criminal Procedure providing for:

(a) Enumeration of the duties of probation officers.

(b) The procedure in probation cases, including certain possible probationary conditions.

(c) Authority to require probationers to pay instalment fines, restitution and family support.

(d) Transfer of probationers from one county to another.

(e) Authority for probation officers to supervise persons paroled from institutions.

Legislature in enacting the New York City Inferior Courts Act provided for:

(a) Removal of police officers from the position of probation officer.

(b) Appointment of salaried civilian probation officers for the first time in the Children's Courts in New York city, and more such officers in other courts.

(c) A chief probation officer in the Court of Special Sessions and in each Board of Magistrates.

Buffalo Domestic Relations Court established upon the recommendation of the Commission — the first such court in the world presided over by a judge devoting his time exclusively to such cases.

International Prison Congress, meeting for the first time in the United States, indorsed probation and State supervision of probation officers.

1911: Commission revised and enlarged its set of blank forms.

Commission published and supplied an accounting system for probation officers.

Commission conducted the first series of New York city conferences of probation officers.

First sets of probation rules adopted in New York city and Buffalo.

State conference of magistrates reorganized as State association of magistrates.

Recommended by the commissioners appointed by Governor Dix to investigate penal institutions, and by others, that probation officers be used more for supervising persons paroled from institutions, and that parole officers appointed by institutional authorities be under the general oversight of the State Probation Commission.

1912: Court of Appeals decided the position of probation officer in the lower courts of New York city to be in the competitive class of the civil service.

Staff of salaried probation officers appointed in the children's courts of New York city.

Legislature authorized the placing of unconvicted disorderly persons on probation, upon consent.

Digitized by Google

§ 101. **History of State Investigation and Supervision.** In 1905 Governor Higgins, pursuant to chapter 714, Laws of 1905, appointed a temporary State probation commission of fourteen members to examine into the operations of the probation system in the State, and to make recommendations thereon. After making a formal report to the Legislature of 1906, the commission went out of existence. As a result of the findings and recommendations of this temporary State probation commission, the present permanent State Probation Commission was created on June 6, 1907, and began work on September 1, 1907.

§ 102. **State Probation Commission Law.** The State Probation Commission was created by Laws of 1907, chapter 430. When the laws of the State were consolidated in 1909 the law establishing the State Probation Commission was re-enacted, with slight verbal changes, by Laws of 1909, chapter 56, as sections 30 and 31 of chapter 54 of the Consolidated Laws (which constitutes the State Boards and Commissions Law). Section 30 was further amended by Laws of 1910, chapter 613.

§ 103. **Organization and Employees of the Commission.** The State Probation Commission is composed of seven members. Four are appointed by the Governor for terms of four years each; one is delegated from the State Board of Charities for a term of one year; one is delegated from the State Commission of Prisons for a term of one year, and the State Commissioner of Education is a member ex-officio. The commissioners serve without compensation, but are entitled to their traveling expenses. The Commission annually elects a president and vice-president.

The Commission employs a secretary as its chief executive officer, and such other employees as are provided for in the annual appropriations by the Legislature.

The names and addresses of the members and employees of the Commission are printed at the front of the Manual.

§ 104. **Duties and Powers of the Commission.** The duties of the Commission are inspectorial, supervisory and advisory. Inasmuch as there may be as many kinds of probation as there are courts using probation, the State Probation Commission aims (without desiring to disturb the autonomy of any court's methods)

Digitized by Google

to co-ordinate the work of all courts so that each one may benefit in some way from the experiences of others. The duties of the Commission may be summarized as follows:

1. To exercise general supervision over the work of probation officers, and to keep informed as to their work.
2. To collect and publish statistical and other information as to the operations of the probation system. In carrying out this purpose, the Commission may require reports from probation officers on blanks furnished by it.
3. To inquire into the conduct and efficiency of probation officers from time to time, and when advisable to conduct a formal investigation of the work of any probating officer. The Commission may issue compulsory process for the attendance of witnesses and the production of papers, and may examine persons under oath, and exercise the same powers in respect to such proceedings as belong to referees appointed by the Supreme court.
4. To make recommendations as to the operations of the probation system, and to secure its effective application and the enforcement of the probation law in all parts of the State.
5. To inform all magistrates and probation officers of legislation directly affecting probation, and to publish an annual list of probation officers.
6. To meet at least bi-monthly.
7. To make an annual report to the Legislature.

§ 105. **Methods of Work.** The State Probation Commission keeps a list of all the probation officers in the State, and collects from them special reports concerning their appointment. It collects monthly statistical and other reports from probation officers, and compiles therefrom statistics which are published in its annual report. It visits and inspects the work of probation officers, and assists them in organizing and developing their work. It furnishes to probation officers, free of charge, forms for their records and their reports to the court, and also literature on probation. It answers inquiries from probation officers, and from time to time makes suggestions and recommendations to particular probation officers, or to probation officers throughout the State. It conducts one or more conferences of probation officers each year. It has the power to make a formal investigation into the work of any probation officer.

The Commission investigates different aspects of the probation system, and seeks to promote public interest and knowledge concerning the system. It makes intensive studies of probation work in particular localities, and has published the results of such a study

Digitized by Google

in Yonkers. It also makes special studies and inquiries concerning particular phases of probation work. It publishes an annual report and other literature on probation. It compiles bibliographies on probation. It acts as a bureau of information, and sends literature on probation to any person or organization upon request, and furnishes leaflets for free distribution at public meetings. It informs magistrates and probation officers concerning legislation directly affecting probation in this State. It also collects and studies the probation legislation of other states.

The Commission has met with the judges of many courts to inquire into the operations or needs of the probation system in their respective jurisdictions, and to make suggestions and recommendations thereon. It has also co-operated in holding public meetings to discuss local needs, and it has supported requests for local appropriations for the establishment or maintenance of the probation system. It has investigated good and bad probation conditions and has published the reports of these investigations. Upon occasions, when the facts seemed to call for such action, the Commission has conferred with, or made special reports to, the judges of certain courts concerning the probation conditions or needs in such courts. It called together the first State conference of city magistrates, and has assisted in holding the subsequent conferences.

The Commission has assisted in securing the appointment of proper officers, and at the invitation of the State Civil Service Commission, and of certain municipal commissions, it has assisted in conducting civil service examinations for positions of probation officer. It advised and encouraged the appointments by county judges of county probation officers salaried by boards of supervisors to act on the courts of the county and in courts of justices of the peace in order to extend the system into the rural sections of the State.

The Commission has framed and secured the passage of many important amendments to the probation statutes of New York State. Among these may be mentioned the legislation authorizing the appointment of salaried county probation officers and the

Digitized by Google

payment of the expenses of probation officers; enumerating the duties of probation officers and the possible conditions of probation; empowering courts to require restitution and reparation for damages, and payments for the support of family; establishing the system of transferring probationers; authorizing probation officers to supervise persons paroled from institutions, and otherwise extending and strengthening the probation system.

Digitized by Google

CHAPTER 7.

Miscellaneous.

PAGE.

Section 110. Conferences of probation officers 127
111. Conferences of magistrates 127
112. Literature on probation 128
113. Probation officers' office quarters and equipment 128
114. Newspaper publicity 129
115. Supervision of neglected children 129
116. Cooperation among probation officers 130
117. Changes of addresses of probation officers 130
118. Resolutions adopted by the International Prison Congress . . 130

Digitized by Google

Digitized by Google

CHAPTER 7.

Miscellaneous.

§ 110. **Conferences of Probation Officers.** The Commission has held a number of conferences of probation officers for the purpose of affording opportunity for an interchange of experiences and the discussion of probation methods. Conferences have been held as follows: Rochester, October, 1908; Elmira, November, 1908; Albany, November, 1909; Rochester, November, 1910; New York City, (twelve meetings) April and May, 1911; Watertown, October, 1911; New York City, (nine meetings) March and April, 1912; Syracuse, November, 1912; New York City, (nine meetings) 1913. All of these conferences (except the several series in New York City which were for the probation officers of that city exclusively) have been held in conjunction with the State Conference of Charities and Correction. The next State conference of probation officers will be held in conjunction with the State Conference of Charities and Correction in Buffalo on November 17–18, 1913.

The National Probation Association holds a series of conferences each year at the time of the annual meeting of that association. Such meetings are usually held in conjunction with the National Conference of Charities and Correction. For further information, address Hugh S. Fullerton, Secretary of the National Probation Association, St. Louis, Mo.

§ 111. **Conferences of Magistrates.** In the fall of 1909, the State Probation Commission called together in Albany the first conference of city magistrates, for a discussion of various subjects relating to the work of police and juvenile courts. A committee composed jointly of magistrates and representatives of the Commission later arranged for a second conference, which was held in Albany in December, 1910. At this time it was voted to form a permanent organization and in accordance with this organization the following conferences of magistrates have been held: third conference at Albany in December, 1911, and fourth conference at Syracuse in December, 1912. The fifth conference will be held

Digitized by Google

at Niagara Falls in December, 1913, under the presidency of City Judge James K. O'Connor of Utica. The secretary is Arthur W. Towne, formerly secretary of the State Probation Commission and now superintendent of the Brooklyn Society for the Prevention of Cruelty to Children, 105 Schermerhorn street, Brooklyn.

All magistrates and magistrates-elect of courts of inferior criminal jurisdiction in cities and in villages, and all magistrates or magistrates-elect or appointed of children's courts shall become members upon enrolling their names with the secretary; and other persons especially interested in the work of such courts may become members upon being elected by the executive committee.

§ 112. **Literature on Probation.** The State Probation Commission makes an annual report to the Legislature, covering the year ending December 31st preceding. Each report is usually published between February and July of the year following that covered by the report. The reports contain statistical and other information relating to the operations and results of the probation system throughout the State. An early edition of the report without appendices is ready for submission to the Legislature before that body concludes its regular session each year. The Commission from time to time also publishes other literature.

For a list of the reports and other literature published by the Commission, see *Manual, App. F.* In this list it will be noted that reports 1 to 4 inclusive are out of print and cannot be supplied by the Commission.

Upon application, the Commission will send copies of these publications free to probation officers, magistrates and other persons interested in probation. Some of the smaller leaflets, which are of a more popular nature and are adapted for distribution at public meetings, can be had in quantities.

§ 113. **Probation Officers' Quarters and Equipment.** Salaried probation officers should have office headquarters. It is important that such an office should be in no way connected with a police station, or any correctional institution. The office should be so arranged as to enable a probation officer to carry on private conversations with probationers or other persons. If the office is used by more than one probation officer, it is well to have either two separate rooms, or a part of the room partitioned off, so as to

Digitized by Google

afford the requisite privacy for each probation officer. The desks and filing cabinets should be fitted with locks to prevent the inspection of probation records and papers by those who have no right to consult them. If the probation office is a busy one it should have a private telephone. It should also possess a copy of the Code of Criminal Procedure and of the Penal Law, a map and gazetteer of New York State, a map of the city or county in which the probation officer serves, a local charity directory and a copy of the last report of the State Board of Charities.

§ 114. **Newspaper Publicity.** It is of great service to the probation system and to probation officers to have local newspapers publish items of news concerning its operation. Probation officers, however, should endeavor so far as practicable, to refrain from giving to the newspapers the names of defendants and probationers. In some places the judges, probation officers, private societies or other citizens, by conferring with the editors and owners of newspapers, have been able to induce them to refrain from publishing the names of children brought before the court or placed on probation. It is desirable that probation officers should speak before judges and societies of a social nature, and in so doing to inform the community and citizens about probation work in general. Inasmuch as the older ideas of punishment are giving way to probation, and because this change has been brought about only recently, there is great need for the community to be fully informed as to the results being accomplished and as to what is necessary to secure the best results possible.

§ 115. **Supervision of Neglected Children.** The term "probation," as referring to the oversight by a probation officer of children adjudged to be neglected or without proper guardianship, is unfortunate in that to the popular mind it seems to imply that such children have been convicted of an offense. They should be spared as much as possible from any odium that may attach to their supervision by a probation officer. It is therefore suggested that the use of the word "supervision," is preferable to that of the word "probation," in referring to cases of neglected children.

Digitized by Google

§ 116. **Co-operation Among Probation Officers.** It is desirable that probation officers in different courts co-operate with each other willingly and promptly in answering inquiries, making investigations, and accepting probationers on transfer. (For a list of probation officers, see *Directory in Sixth Report of the State Probation Commission.*)

§ 117. **Changes of Address.** The State Probation Commission would appreciate it if any probation officer who changes his or her address would notify the Commission of the fact in order that it may make the necessary changes in its mailing list, and may have the address properly given in the next directory of probation officers which it publishes.

§ 118. **Resolutions Adopted by the International Prison Congress.** In October, 1910, the International Prison Congress, which met for the first time in the United States at Washington, D. C., with representatives from 37 governments, adopted resolutions endorsing the indeterminate sentence and the probation system. This Congress voted unanimously that the effects of probation are beneficial, that the system should be extended, and that it should be under State supervision. The resolutions adopted read as follows:

"Resolved, That the effects of probation are beneficial when applied with due regard to the protection of the community, and to persons who may reasonably be expected to reform without resorting to imprisonment; and when the probationers are placed for a reasonable length of time under the supervision of competent officers.

"That the effects of suspended sentence, without probationary oversight, are difficult, if not impossible, to ascertain."

"That it is desirable to introduce and extend laws providing for probation, and to provide, in each state or country, some central authority which will exercise general supervision over probation work."

Digitized by Google

PART III.

APPENDICES.

		PAGE
APPENDIX A.	Text of Probation Laws of New York State	133
APPENDIX B.	Statistical Tables Showing Growth in Use of Probation in New York State	187
APPENDIX C.	The System of Criminal and Children's Courts in New York State	209
APPENDIX D.	Illustrative Case History	217
APPENDIX E.	Probation Rules of Buffalo City Court and Buffalo Children's Court	227
APPENDIX F.	Literature Published by the State Probation Commission	241
APPENDIX G.	Sample Set of Questions Used in Written Examination for Probation Officer	247

Digitized by Google

Digitized by Google

APPENDIX A.

TEXT OF PROBATION LAWS OF NEW YORK STATE.

[133]

Digitized by Google

Digitized by Google

TEXT OF PROBATION LAWS OF NEW YORK STATE.

Following is the text of all probation laws of the State now in effect:

1. GENERAL LAWS.

CODE OF CRIMINAL PROCEDURE, § 11-a

Appointment, Powers and Duties of Probation Officers; Methods of Procedure; Transfers.

§ 11-a. **Probation officer; appointment, duties; powers; procedure; transfers.** 1. The magistrates of the courts having original jurisdiction of criminal actions in the state, may from time to time appoint a person or persons to perform the duties of probation officer or officers as hereinafter described, within the jurisdiction of the courts of such magistrates and under the direction of such magistrates, to hold such office during the pleasure of the magistrate or magistrates making such appointment and of their successors. Such probation officer or officers may be chosen from among the officers of a society for the prevention of cruelty to children or of any charitable or benevolent institution, society or association now or hereafter duly incorporated under the laws of this state, or be reputable private citizens, male or female. The appointment of a probation officer must be made in writing and entered on the records of the court of the magistrate or magistrates making such appointment, and copies of the order of appointment must be delivered to the officer so appointed and filed with the state probation commission. Any officer or member of the police force of any city or incorporated village who may be detailed to do duty in such courts, or any constable or peace officer, may be appointed as probation officer upon the order of any magistrate as herein provided. Whenever in a city of the first class members of the police force have been appointed probation officers as hereinabove provided and are serving as probation officers under the direction of a majority of the members of a board of city magistrates, the

NOTE.— For finding list of these laws, see page 19.

Digitized by Google

commissioner of police upon the request of any other magistrate of such board shall detail to such other magistrate a member of the police force who may be appointed by such magistrate as a probation officer. No probation officer appointed under the provisions of this section shall receive compensation for his services as such probation officer until allowed by proper ordinance or resolution, as hereinafter prescribed, but this shall not be construed to deprive any officer or member of the police force, or any constable or peace officer, appointed probation officer as herein provided, from receiving the salary or compensation attached to his said official employment. The board of estimate and apportionment in the city of New York and the appropriate municipal board or body of any other city or village, or the board of supervisors of any county, may in their discretion determine whether probation officers, not detailed from other branches of the public service, shall receive a salary, and if they shall so determine, they may fix the amount thereof and provide for its payment, and they may also provide for the necessary expenses of probation officers. Whenever provision is made for the payment of a salary by the appropriate municipal board or body in any city or village to a probation officer who is to be attached to a court presided over by a magistrate sitting alone, the appointment of such probation officer shall be made by that magistrate. Whenever provision is made for the payment of a salary by the appropriate municipal board or body in any city or village to a probation officer who is to serve in a court wherein several magistrates are sitting together, or in rotation, or in a court or courts wherein there is a board of magistrates, the appointment of such probation officer shall be made by all the magistrates jointly, or by a majority thereof, except that when a probation officer is to serve in a division of a court in which there is a board of magistrates the appointment shall be made by all the magistrates of such board jointly, or by a majority thereof. Whenever provision is made for the payment of a salary to a probation officer by the board of supervisors of any county, such probation officer shall be appointed by the county judge, or if there be more than one county judge, by the county judges jointly, of such county, and such probation officer shall serve in the supreme and county courts of that county, and in any

Digitized by Google

other courts in the county at the request of the magistrates holding such other courts, except the courts of criminal jurisdiction of cities of the first and second class.

2. **Duties.** Every probation officer, when so directed by the court, or by a magistrate of the court, in which he is serving, shall inquire into the antecedents, character and circumstances of any person or persons accused within the jurisdiction of such court, and into the mitigating or agravating* circumstances of the offense of such person, and shall report thereon in writing to such court or magistrate. The term "probationer" shall mean a person placed on probation. It shall be the duty of every probation officer to furnish to all persons placed on probation under his supervision a statement of the period and conditions of their probation, and to instruct them concerning the same; to keep informed concerning their conduct and condition; to aid and encourage them by friendly advice and admonition, and by such other measures, not inconsistent with the conditions imposed by the court or magistrate, as may seem most suitable, to bring about improvement in their conduct and condition; to report in writing at least monthly, concerning their conduct and condition to the court having jurisdiction over such probationers, or to a magistrate thereof; to keep records of their work; to keep accurate and complete accounts of all moneys collected from probationers, to give receipts therefor and to make at least monthly returns thereof; to perform such other duties in connection with such probationers as the court or magistrate may direct; and to make such reports to the state probation commission as the commission may require. Any probation officer may act as parole officer for any state penal or reformatory institution when so requested by the authorities thereof, and when requested by the county judge shall act as parole officer over persons released on parole under section nine hundred and ten.

3. **Powers.** Every probation officer may require such reports by probationers under his care as are reasonable or necessary and not inconsistent with the conditions imposed by the court or magistrate. Every probation officer shall have, as to persons placed on probation under his care, the powers of a peace officer.

---

* So in original.

Digitized by Google

4. **Methods of procedure.** When any court suspends sentence and places a defendant on probation it shall determine the conditions and period of probation, which period of probation shall not exceed, in the cases of children, their eighteenth birthday; in the case of any other defendant convicted of an offense less than a felony, two years; and in the case of any other defendant convicted of a felony, five years. The conditions of probation shall be such as the court shall in its discretion prescribe, and may include among other conditions any or several of the following: That the probationer (a) shall indulge in no unlawful, disorderly, injurious or vicious habits; (b) shall avoid places or persons of disreputable or harmful character; (c) shall report to the probation officer as directed by the court or probation officer; (d) shall permit the probation officer to visit him in a reasonable manner at his place of abode or elsewhere; (e) shall answer any reasonable inquiries on the part of the probation officer concerning his conduct or condition; (f) shall, if a child of compulsory school age, attend school; (g) shall, if an adult, or if a child but not required to attend school, work faithfully at suitable employment; (h) shall remain or reside within a specified place or locality; (i) shall abstain for a reasonable period from the use of alcoholic beverages, if the use of the same contributed to his offense; (j) shall pay in one or several sums a fine imposed at the time of being placed on probation; (k) shall make reparation or restitution to the aggrieved parties for actual damages or losses caused by his offense; and (l) shall support his wife or children. The court or a magistrate thereof may modify the conditions and the period of probation; may in case of violation of the probationary conditions issue a warrant for the arrest of the probationer; and may at any time discharge the probationer; and in case of violation of the probationary conditions, the court may impose any penalties which it might have imposed before placing the defendant on probation, provided that, if committed, he be committed to an institution authorized by law to receive commitments for the offense of which he was originally convicted, and of persons of his age at the time of his commitment. If a probationer without permission disappears from oversight, or departs from the jurisdiction of the court, the time during which he keeps his whereabouts hidden or

Digitized by Google

remains away from the jurisdiction of the court may be added to the original period of probation.

5. **Transfers.** A court or magistrate may transfer a probationer from the supervision of one probation officer to that of another probation officer, and such transfer shall be reported by the court or magistrate to both of such probation officers and to the probationer, and a record of the transfer shall be filed with the records of the case. Whenever a probationer resides in a county other than the county in which he has been convicted and placed on probation, or whenever a probationer desires to remove to a county other than that in which he has been placed on probation, and it seems likely that such removal will promote his welfare and will not make him a menace or public charge to such other county, the court placing him on probation, or a magistrate thereof, may transfer him to a salaried probation officer of the city or county to which the probationer is to move, provided such probation officer sends the court or magistrate desiring to make such transfer a written statement that he will exercise supervision over the probationer, and provided such statement is approved in writing by the magistrate of the court to which such probation officer is attached. Such probation officer shall report concerning the conduct and condition of such probationer to the court or magistrate making the transfer.

(*Added by Laws of* 1901, *chap.* 372; *amended by Laws of* 1903, *chap.* 613; *Laws of* 1904, *chap.* 568; *Laws of* 1905, *chap.* 656; *Laws of* 1908, *chap.* 99; *Laws of* 1909, *chap.* 482; *Laws of* 1910, *chap.* 610.)

CODE OF CRIMINAL PROCEDURE, § 483.

Suspension of Sentence and Probation in Courts Prosecuting Cases by Indictment; Fines to be Paid During Probation; Restitution and Reparation; Transfer from Supreme to County Court.

§ 483. **Probation; fine; restitution; transfer from supreme to county court.** After a plea or verdict of guilty, in a case where a discretion is conferred upon the court as to the extent of the punishment, and where there appears to be circumstances in mitigation of the punishment, the court shall have power, in its dis-

Digitized by Google

cretion, to place the defendant on probation in the manner following:

1. The court upon suspending sentence, may place such person on probation during such suspension under the charge and supervision of a probation officer. When practicable, any minor child, placed on probation shall be placed with a probation officer of the same religious faith as that of the child's parents. The parents, guardian or master of such child, if the child has any, shall be summoned by the magistrate to attend any examination or trial of such child and to be present in court when the child is placed on probation and informed by the court of the action taken in such case.

2. If the judgment is to pay a fine and that the defendant be imprisoned until it is paid, the court upon imposing sentence may direct that the execution of the sentence of imprisonment be suspended for such period of time, and on such terms and conditions as it shall determine, and shall place such defendant on probation under the charge and supervision of a probation officer during such suspension, provided, however, that upon payment of the fine being made, the judgment shall be satisfied and the probation cease. The court may, upon consent of the defendant and as one of the conditions of suspension of sentence, or of probation, require him while under suspended sentence or on probation to make restitution or reparation to the aggrieved parties in an amount to be fixed by the court, not to exceed the actual losses or damages caused by his offense; or the court may require the defendant while under suspension of sentence or on probation to support his children.

3. Whenever a defendant is placed on probation in the Supreme court, the court or the justice thereof presiding at the time the defendant is placed on probation, or if the Supreme court is not sitting and if such justice is not in the county, any other justice of the Supreme court in that district, may, upon the consent of the defendant, enter an order transferring the probationer to the jurisdiction of the county court of the county in which the conviction occurred. The powers and duties of the county court, the county judge and the probation officer under whose supervision the probationer is placed, shall, with respect to such probationer,

Digitized by Google

thereafter be the same as though the probationer were originally placed on probation by such county court, under such probation officer. Whenever a probationer is transferred to the jurisdiction of a county court as hereinabove provided, the Supreme court shall transfer to the county court the judgment-roll of the case, or a certified copy thereof.

4. At any time during the probationary term of a person convicted and released on probation in accordance with the provisions of this section, the court before which, or the justice before whom, the person so convicted was convicted, or his successor, or the court to which the person on probation is transferred as hereinabove provided, may in its or his discretion, revoke and terminate such probation. Upon such revocation and termination, the court may, if the sentence has been suspended, pronounce judgment at any time thereafter within the longest period for which the defendant might have been sentenced, or, if judgment has been pronounced and the execution thereof has been suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect for its unexpired term.

(*Amended by Laws of* 1901, *chap.* 372; *Laws of* 1903, *chap.* 274; *Laws of* 1903, *chap.* 613; *Laws of* 1905, *chap.* 656; *Laws of* 1909, *chap.* 217; *Laws of* 1910, *chap.* 346.)

CODE OF CRIMINAL PROCEDURE, § 487.

Suspended Sentence; Probation Officers.

§ 487. If the judgment be imprisonment, or a fine and imprisonment until it be paid, the defendant must forthwith be committed to the custody of the proper officer, and by him detained, until the judgment be complied with. Where, however, the court has suspended sentence or where after imposing sentence, the court has suspended the execution thereof and placed the defendant on probation, as provided in section four hundred and eighty-three of the code of criminal procedure, the defendant must forthwith be placed under the care and supervision of the probation officer of the court committing him, until the expiration of the period of probation and the compliance with the terms and conditions of the sentence or of the suspension thereof. Where, however, the probation has been terminated, as provided in paragraph

Digitized by Google

four of section four hundred and eighty-three of the code of criminal procedure, the suspension of the sentence or of the execution revoked, and the judgment pronounced, the defendant must forthwith be committed to the custody of the proper officer and by him detained until the judgment be complied with.

(*Amended by Laws of* 1901, *chap.* 372; *Laws of* 1903, *chap.* 613.)

CODE OF CRIMINAL PROCEDURE, § 718.

Probation and Collection of Fines and Restitution During Probation in Courts of Special Sessions Outside New York City.

§ 718. **Judgment of imprisonment, until fine be paid; extent of imprisonment; probation; restitution.** A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine be satisfied; specifying the extent of the imprisonment, which cannot exceed one day for every one dollar of the fine. The court may require a defendant to pay a fine or restitution, or to make reparation, as provided in subdivision two of section four hundred and eighty-three.

(*Amended by Laws of* 1910, *chap.* 609.)

CODE OF CRIMINAL PROCEDURE, § 903.

Probation of Disorderly Persons and Payments During Probation for Support of Family.

§ 903. **Certificate to constitute record of conviction, and to be filed; commitment thereon; probation.** The magistrate must immediately cause the certificate, which constitutes the record of conviction, to be filed in the office of the clerk of the county, and must, by a warrant signed by him with his name of office, commit the defendant to the county jail, or in the city of New York, to the city prison or penitentiary of that city, or in the county of Monroe, to the penitentiary of that county, for not exceeding six months at hard labor, or until he gives the security prescribed in section nine hundred and one; or, if the defendant be a person described in the first or second subdivision of section eight hundred and ninety-nine, the magistrate may require him while on probation to pay through the probation officer weekly a reasonable sum for the support of his wife or children.

(*Amended by Laws of* 1910, *chap.* 609.)

Digitized by Google

CODE OF CRIMINAL PROCEDURE, § 910.

Release of Disorderly Persons from Institutions on Parole Under a Probation Officer.

§ 910. **Court may discharge, place on probation, or authorize the binding out of disorderly person.** The court may discharge a person so committed from imprisonment, either absolutely or on parole under a salaried probation officer, or upon his giving security as provided in section nine hundred and one, or if he be a minor, may authorize the county superintendents of the poor, or the overseers of the poor of the town, or in the city of New York, the commissioner of charities, to bind him out in some lawful calling as a servant, apprentice, mariner or otherwise, until he be of age; or if he be of age, to contract for his service with any person, as a laborer, servant, apprentice, mariner or otherwise, for not exceeding one year. The binding out or contract, pursuant to this section, has the same effect as the indenture of an apprentice, with his own consent and that of his parents, and subjects the person bound out or contracted, to the same control of his master and of the county court of the county, as if he were bound as an apprentice.

(*Amended by Laws of* 1910, *chap.* 609.)

PENAL LAW, § 486, *subdiv.* 9.

Probation of Neglected and Dependent Children Outside of Cities of the First Class.

§ 486. **Prohibited acts; destitute children.**

9. Whenever any child is brought before any court or magistrate, to be dealt with under any of the subdivisions of this section, instead of committing such child to confinement in any institution, the court or magistrate may place such child under the custody of a probation or parole officer, and at any time within one year thereafter such court or magistrate, may issue a warrant for such child, and after giving such child an opportunity to be heard, may make the commitment which could have been made in the first instance as aforesaid. The foregoing provision shall not apply to a children's court created by special enactment in cities

Digitized by Google

of the first class but this exception shall not be construed as taking away or limiting any jurisdiction now possessed by such children's courts.

(*Added by Laws of* 1905, *chap.* 655; *amended by Laws of* 1909, *chap.* 88.)

PENAL LAW, § 494.

Adult Contributory Delinquency; Probation.

§ 494. 1. A parent, guardian or other person having custody of a child actually or apparently under sixteen years of age, who omits to exercise reasonable diligence in the control of such child to prevent such child from becoming guilty of juvenile delinquency as defined by statute, or from becoming adjudged by a children's court in need of the care and protection of the state as defined by statute, or who permits such a child to associate with vicious, immoral or criminal persons, or to grow up in idleness, or to beg or solicit alms, or to wander about the streets of any city, town or village late at night without being in any lawful business or occupation, or to furnish entertainment for gain upon the streets or in any public place, or to be an habitual truant from school, or to habitually wander around any railroad yard or tracks, to enter any house of prostitution or assignation, or any place where gambling is carried on, or any gambling device is operated, or any policy shop, or to enter any place where the morals of such child may be endangered or depraved or may be likely to be impaired, and any such person or any other person who knowingly or wilfully is responsible for, encourages, aids, causes, or connives at, or who knowingly or wilfully does any act or acts to produce, promote or contribute to the conditions which cause such child to be adjudged guilty of juvenile delinquency, or to be in need of the care and protection of the state, or to do any of the acts hereinbefore enumerated, shall be guilty of a misdemeanor.

2. Any magistrate presiding over a court having the jurisdiction hereinafter conferred upon it may upon an oral or written complaint, or upon his own instance, when he has reason to believe that any parent or guardian or other person should be prosecuted under the provisions of this act, issue a summons directed to such parent, guardian or other person substantially as follows:

Digitized by Google

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK:

To.....

You are hereby summoned to appear before ..... court at ..... to the end that an investigation may be made into the charge that you have contributed to or are responsible for ..... of .....

(state charge) (name of child)

and upon your failure to appear at the time and place herein mentioned you are liable to a fine not exceeding twenty-five dollars.

Dated at ....., this ..... day of ..... 1910.

.....

(Signed by magistrate.)

Such summons may be served by a police officer or by any other person designated by the magistrate, and if the person summoned does not appear such failure to appear shall constitute contempt, and may be punishable by a fine not exceeding twenty-five dollars. The magistrate may issue subpoenas subject to the same penalties for disobedience thereof, or refusal to testify thereunder, as provided for in the code of civil procedure. Upon the return of the summons the magistrate shall inquire into the subject-matter of the charge. Whenever during the investigation the magistrate is satisfied from sworn testimony that there is sufficient cause for a warrant to issue, instead of issuing the warrant, if he deems it for the best interest of the person summoned and the state, upon the consent of the person summoned given in open court, the magistrate may adjourn the investigation from time to time for a period aggregating not more than one year and place the person summoned under the oversight of a probation officer during the adjournment, or may cause the person summoned to give a bond to the people of the state of New York, for not to exceed one year, with or without sureties, in such sum not to exceed two hundred and fifty dollars as he may direct. The probation officer cannot require the person so placed under his oversight to do more than to satisfy inquiries regarding the conduct or condition of the child, or regarding the conduct or condition of such person in so far as it relates to the conduct or condition of the child. The

Digitized by Google

condition of such bond shall be that if the obligor shall exercise reasonable diligence during the time fixed in the bond, which cannot exceed the period of adjournment, to prevent a continuance or repetition of the condition, conduct, act, acts, offense or offenses of such child as was the special cause of the investigation and if charged with the custody of the child also to exercise reasonable diligence in the discipline and control of such child, and appear in court from time to time as ordered, then the bond shall be void, otherwise in full force and effect. On the adjourned day the person summoned must appear in court and if the magistrate is satisfied that the person summoned has exercised reasonable diligence to prevent such continuance or repetition of the condition, conduct, act, acts, offense or offenses of such child, and if charged with the custody of the child has also exercised reasonable diligence in the discipline and control of such child during the period of adjournment he must dismiss the proceeding and cancel the bond if any. If he is not so satisfied he must either issue the warrant, or upon the consent of the person summoned given in open court he must continue the adjournment, probationary oversight and bond if any, but all of such adjournments cannot exceed one year from the date of the first adjournment. Nothing herein contained shall interfere with the right of a magistrate to issue the warrant in the first instance upon sworn information, or at the close of the investigation, and the magistrate who presides at the investigation, or his successor, may at any time during the adjournment, upon notice to the person summoned to appear and show cause, revoke and cancel the adjournment and issue the warrant.

3. Whenever a person is convicted of the misdemeanor hereinbefore defined and sentence is suspended the court may place the defendant upon probation for a period of not more than one year; provided that the court may cause the defendant to give a bond to the people of the state of New York, with or without sureties, in a sum not to exceed five hundred dollars. The condition of such bond shall be that if the obligor shall exercise reasonable diligence during the time fixed in the bond, which cannot exceed one year, to prevent a continuance or repetition of the condition, conduct, act, acts, offense or offenses of such child which was the cause of

Digitized by Google

defendant's prosecution, and if charged with the custody of the child also to exercise reasonable diligence in the discipline and control of such child and appear in court from time to time as ordered, then such bond shall be null and void, otherwise in full force and effect. The magistrate who presided at the trial, or his successor, if he is satisfied that the defendant has violated the terms and conditions of probation and bond if any may at any time revoke and cancel the suspension of sentence and probation and impose sentence.

4. The prosecution of all bonds given during an adjournment of an investigation or after conviction herein shall be upon the order of the magistrate who presided at the investigation or trial, or his successor, and all money collected on such bonds shall in the discretion of such magistrate be deposited in the office of the county treasurer to be expended under the orders of the magistrate or his successor for the benefit of the child or children in whose interest such bond is given.

5. Original and exclusive jurisdiction of all proceedings, investigations and trials instituted under this act is limited to courts of special sessions, police and city courts presided over by magistrates who hold or are assigned to children's courts, except in the city of New York, where the jurisdiction is hereby conferred upon and shall be exercised by the city magistrates.

(*Added by Laws of* 1910, *chap.* 699.)

PENAL LAW, § 1221.

Probation in Cases of Public Intoxication Outside of New York City; Fines; Commitments.

§ 1221. **Intoxication in a public place.** Any person intoxicated in a public place may be arrested without warrant while so intoxicated, and be taken before a magistrate having jurisdiction for examination on a charge of public intoxication. If such charge is sustained the court or magistrate shall:

1. Release such person on probation for a period not exceeding one year, and may in addition impose a fine not exceeding ten dollars payable in instalments as the court may direct; or

Digitized by Google

2. Impose upon such person a fine not exceeding ten dollars, or a sentence of imprisonment not exceeding six months, or both such fine and imprisonment; or

3. Cause such person to be committed to a hospital and industrial colony as provided in subdivision two of section one hundred and thirty-nine-a of the general municipal law.

Provided that, whenever in any city a board of inebriety shall have certified in writing to the mayor of such city that the hospital and industrial colony of said board is ready to receive inmates, and notwithstanding any other provision of law, the court or magistrates having jurisdiction, shall:

a. Dismiss the complaint upon the receipt of a written request for release from a person arrested for public intoxication and upon the receipt of a report from a probation officer of the board of inebriety as provided in subdivision one of section one hundred and thirty-nine-a of the general municipal law; or

b. Issue warrant for the arrest of such person released pursuant to the provisions of subdivision one of section one hundred and thirty-nine-a of the general municipal law, and make such disposition of the case as is authorized in the subsequent provisions of this section; or

c. Release such person, under the supervision of a probation officer appointed by the board of inebriety, for a period not exceeding one year and upon such conditions as the court may impose. Upon violation of any of these conditions the probationer may be arrested on a warrant issued by the president or secretary of the board of inebriety and brought before the court. The court may, thereupon, impose sentence upon such probationer as provided in the subsequent provisions of this section and shall do so if the probationer has been released under supervision two or more times and has twice violated the conditions of his release; or

d. Release such person on probation as in the next preceding subdivision of this section, and in addition impose a fine not exceeding twenty-five dollars. Such fine may be paid in instalments in such amounts and at such times as the court may determine and shall be paid to the board of inebriety in such manner as said board may direct. Upon failure to pay such fine as directed, the probationer may be arrested and brought before the court as pro-

Digitized by Google

vided in the next preceding subdivision of this section. The court may, thereupon, impose sentence upon such probationer as provided in the subsequent provisions of this section and shall do so if the probationer has been released two or more times with an added fine imposed and has twice failed to pay the fine. All fines and portions of fines so collected shall be reported to the court by which such fine was imposed; or

e. Commit such person to the custody of the board of inebriety on an indeterminate sentence, for a period not exceeding six months, provided such person has not been previously committed to the custody of such board, and provided he has been previously arrested for public intoxication two or more times within the twelve months next preceding; or

f. Commit such person to the custody of the board of inebriety on an indeterminate sentence, for a period of not less than six months nor more than one year, provided such person has previously been committed to such board; or

g. Commit such person to the custody of the board of inebriety on an indeterminate sentence, for a period of not less than one year nor more than three years, provided such person has been previously committed two or more times to such board; or

h. Commit such person to a penitentiary for a period of not less than one year nor more than three years, provided such person has previously been committed to the board of inebriety and the board has applied to the court to be released from the care and custody of such person as provided in subdivision five of section one hundred and thirty-nine-a of the general municipal law. The provisions of section twelve hundred and twenty-one shall not apply to the city of New York.

(*Amended by Laws of* 1911, *chap.* 700.)

PENAL LAW, § 2188.

Suspension of Sentence and Probation.

§ 2188. **Duty of court to sentence; suspending sentence.** The several sections of this chapter which declare certain crimes to be punishable as therein mentioned devolve a duty upon the court authorized to pass sentence to determine and impose the punishment prescribed, but such court may in its discretion suspend

Digitized by Google

sentence, during the good behavior of the person convicted, where the maximum term of imprisonment prescribed by law does not exceed ten years and such person has never been convicted of a felony. Courts of special sessions are empowered to suspend sentence and at any time within the longest period for which a defendant might have been sentenced, may issue process for the re-arrest of the defendant, and when arraigned the court as it is then constituted may proceed to enter judgment and impose sentence.

In the case of children under sixteen years of age, at the time of conviction, the longest period of time after suspension of sentence within which a sentence may be imposed for such offense shall be one year; and in any proceeding of a criminal nature, triable before a magistrate, the magistrate upon conviction, may suspend sentence and place the offender under probation and at any time thereafter, during the longest period for which he could have been committed in the first instance, such magistrate, or his successor, if his term has expired, may pronounce any judgment or sentence or impose any fine or other penalty, or make any commitment which might have been pronounced, imposed or made at the time the conviction was had.

(*Amended by Laws of* 1905, *chap.* 655; *Laws of* 1909, *chap.* 88.)

*STATE BOARDS AND COMMISSIONS LAW,** §§ 30 and 31.

State Probation Commission; Organization, Powers and Duties.

§ 30. **Organization, powers and duties of state probation commission.** The state probation commission is continued. Such commission shall exercise general supervision over the work of probation officers throughout the state, and shall consist of seven members, who shall serve without compensation as members of such commission. The state board of charities, and the state commission of prisons, shall, respectively, once each year, designate a member of their respective bodies to act as members of the state probation commission; and the commissioner of education shall be, ex officio, a member thereof. As the terms of the appointive

* The State Boards and Commissions Law constitutes chapter 54 of the Consolidated Laws.

Digitized by Google

members, first appointed by the governor, shall expire, their successors shall be appointed by the governor within thirty days thereafter for a term of four years each. All vacancies occurring among appointive members, from whatsoever cause, shall be filled as soon as practicable thereafter by the governor for the unexpired term. Any appointive member may be removed by the governor for cause and after an opportunity to be heard before the governor. The state commission shall meet at stated times to be fixed by such commission, not less than once every two months. It shall collect and publish statistical and other information, and make recommendations, as to the operations of the probation system. It shall keep itself informed as to the work of all probation officers, and shall from time to time inquire into their conduct and efficiency. It may require reports from probation officers on blanks furnished by the commission. It shall each year inform all magistrates and probation officers of any legislation directly affecting probation and shall each year publish a list of all probation officers in the state. It shall endeavor, by such means as may seem to it most suitable, to secure the effective application of the probation system and enforcement of the probation law in all parts of the state. It shall make an annual report to the legislature showing its proceedings under this article and the results of the probation system as administered in the various localities in the state, with any suggestions or recommendations it may consider wise for the more effectual accomplishment of the general purposes of this article. Said commission in the discharge of its duties shall have access to all offices and records of probation officers, but this section shall not be construed as giving said commission access to the records of any society for the prevention of cruelty to children or humane society. The state commission may direct an investigation by a committee of one or more of its members of the work of any probation officer and for this purpose, the member or members designated to make such investigation are hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths, and to examine persons under oath, and to exercise the same powers in respect to such proceeding as belong to referees appointed by the Supreme court.

Digitized by Google

§ 31. **Employees of state probation commission.** The state probation commission shall employ a chief executive officer, who shall be its secretary, and who shall receive a salary at the rate of not less than three thousand five hundred dollars a year; a stenographer and such other employees, within the limits of the sums appropriated for its use by the legislature, as may be necessary in the conduct of the business of such commission. The duties of such executive officer and other employees shall be designated by said commission. The legislature shall provide for the necessary and reasonable traveling expenses of the members of said commission and of the employees thereof. Such salaries and expenses shall be paid by the treasurer on the warrant of the comptroller, after approval by the commission.

(*Laws of* 1907, *chap.* 430; *amended by Laws of* 1909, *chap.* 56; *Laws of* 1910, *chap.* 613.)

GENERAL MUNICIPAL LAW, §§ 138, 139-a.*

(*Added by Laws of* 1911, *chap.* 700.)

(NOTE.— *This law permits the establishment of a board of inebriety in cities of the first and second class outside of New York city, and authorizes such boards to appoint probation officers and to place persons convicted of public intoxication under their supervision.*)

2. LOCAL LAWS.

BUFFALO.

BUFFALO CITY COURT ACT.

Children's Court Procedure; Probation; Probation Officers.

§ 92. **Disposition in certain cases of children charged with misdemeanor.** Whenever a child is charged with an offense of the grade of a misdemeanor or under section twenty-one hundred and eighty-six of the penal law permitted to be tried as a misdemeanor, the judge sitting in the children's court shall as far as is consistent with the interest of the child and of the state consider the child not as upon trial for the commission of a crime but as a child in

* The General Municipal Law constitutes chapter 24 of the Consolidated Laws.

Digitized by Google

need of the care and protection of the state; to that end he may, if the child or either parent or any guardian or custodian of such child shall so request, before proceeding with the trial of the child for the offense charged, or at any stage of the trial and before conviction, suspend the trial and inquire into all the facts and surrounding circumstances of the case, and if the judge shall so find, he may in his discretion in lieu of proceeding with the trial, adjudge the child to be in need of the care and protection of the state and thereupon he shall deal with such child in all respects in the manner provided in section four hundred and eighty-six of the penal law in the case of a child not having proper guardianship; and in a case where he shall so adjudge, before or instead of committing such child to confinement in any institution, he may commit him to the detention house provided for in this act or place such child on probation.

§ 100. **Appointment, removal, and compensation of probation officers.** A majority of the judges shall have authority to appoint five probation officers and such additional probation officers as the common council may by ordinance from time to time authorize. The chief judge or a majority of the judges may at pleasure remove any probation officer. A majority of the judges may designate one of the probation officers so appointed to be chief probation officer. The common council of the city of Buffalo shall, by ordinance, provide for the compensation of probation officers appointed in pursuance hereof, and for the payment of such expenses as are necessarily incurred by them in the performance of their duties.

§ 101. **Powers and duties of probation officers.** The probation officers shall have all the powers and duties now conferred upon probation officers by the code of criminal procedure. They shall keep such records and conform to such rules and regulations as may be established by a majority of the judges. The chief probation officer shall perform such additional or special duties as may be required by rule of a majority of the judges. It shall be the duty of the chief judge to see that such rules and regulations are observed and that such records are properly kept.

Digitized by Google

§ 102. **Children's court; probation officers in.** So far as is consistent with proper administration, certain of the probation officers shall be permanently assigned by a majority of the judges to the children's court.

§ 103. **Children; period of probation.** A child may be placed on probation for such time as the judge holding the children's court may deem proper, not longer, however, than three years, and such probation period may extend beyond the time such child attains the age of sixteen years.

§ 104. **Adults; period of probation.** An adult convicted of a misdemeanor may be placed on probation for such time as the judge holding the court of special sessions may deem proper, not longer, however, than two years. An adult convicted of an offense of which the court or any judge thereof has summary jurisdiction may be placed on probation for such time as the court or the judge may deem proper, not longer, however, than one year.

§ 105. **Revocation of probation.** Probation may be revoked at any time within the maximum periods above mentioned by the court or any judge thereof; but so far as practicable the revocation of probation shall be made by the judge or judges who placed the child or adult on probation. Upon such revocation the judge or judges may make such commitment as could have originally been made if the child or adult had not been placed on probation, and to that end may pronounce any judgment, or sentence, or impose any fine, or other penalty, or make any commitment which might have been pronounced, imposed or made at the time the conviction was had. Whenever probation is revoked, the court or any judge thereof, as the case may be, may issue process for the rearrest of the defendant and when arraigned the court as it is then constituted, or any judge thereof, may proceed to enter judgment and impose sentence as herein provided.

§ 106. **Revocation of designation of police officer.** Whenever a police officer is appointed or designated a probation officer with the concurrence of the department of police, such appointment or

Digitized by Google

designation cannot be revoked by any official of the department of police for the period of one year from the date of such appointment; and such police officer while serving as a probation officer shall be subject only to the orders of the court or the judges thereof, except in cases of emergency when his services may be required by the department of police, or except that he may be suspended, reduced or removed by the board of police for the reason and in the manner provided by section one hundred and ninety-two of the revised charter of the city of Buffalo. The judges may revoke the appointment or designation of any police officer at pleasure, and thereupon such police officer must return at once to his duties in the department of police.

(*Laws of* 1909, *chap.* 570, §§ 92, 100–106.)

NOTE.— *The provisions of this law relating to the probation of children were superseded on January* 1, 1912, *by the provisions of the Laws of* 1911, *chapter* 651. *See next citation.*

BUFFALO.

CHARTER OF THE CITY OF BUFFALO.

Children's Court Procedure; Probation of Children and Adults; Probation Officers.

§ 521. **Disposition in certain cases of children charged with misdemeanor.** Whenever a child is charged with an offense of the grade of a misdemeanor or under section twenty-one hundred and eighty-six of the penal law permitted to be tried as a misdemeanor, the judge shall as far as it is consistent with the interest of the child and of the state consider the child not as upon trial for the commission of a crime but as a child in need of the care and protection of the state; to that end he may, if the child or either parent or any guardian or custodian of such child shall so request, before proceeding with the trial of the child for the offense charged, or at any stage of the trial and before conviction, suspend the trial and inquire into all the facts and surrounding circumstances of the case, and if the judge shall so find, he may in his discretion in lieu of proceeding with the trial, adjudge the child to be in need of the care and protection of the state and thereupon he shall deal with such child in all respects in the manner provided in section four hundred and eighty-six of the penal law in

Digitized by Google

the case of a child not having proper guardianship; and in a case where he shall so adjudge, before or instead of committing such child to confinement in any institution, he may commit him to the detention house provided for in this title or place such child on probation.

§ 524. **Appointment, removal and compensation of probation officers.** The judge of this court shall have authority to appoint three probation officers, one of whom must be a woman, and such additional probation officers as the common council may by ordinance from time to time authorize. The judge of this court may at pleasure remove any probation officer. The common council of the city of Buffalo shall, by ordinance, provide for the compensation of probation officers, and for the payment of such expenses as are necessarily incurred by them in performance of their duties.

§ 525. **Powers and duties of probation officers.** The probation officers shall have all the power and duties now conferred upon probation officers by the code of criminal procedure. They shall keep such records and conform to such rules and regulations as may be established by the judge. It shall be the duty of the judge to see that such rules and regulations are observed and that such records are properly kept.

§ 526. **Children; period of probation.** A child may be placed on probation for such time as the judge may deem proper, not longer, however, than three years, and such probation period may extend beyond the time such child attains the age of sixteen years.

§ 527. **Adults; period of probation.** An adult convicted of a misdemeanor may be placed on probation for such time as the judge may deem proper, not longer, however, than two years.

§ 528. **Revocation of probation.** Probation may be revoked at any time within the maximum periods above mentioned by the judge. Upon such revocation the judge may make such commitment as could have originally been made if the child or adult had not been placed on probation, and to that end may pronounce any

Digitized by Google

judgment, or sentence, or impose any fine, or other penalty, or make any commitment which might have been pronounced, imposed or made at the time the conviction was had. Whenever probation is revoked, the judge may issue process for the rearrest of the defendant and when arraigned the judge may proceed to enter judgment and impose sentence as herein provided.

§ 529. **Revocation of designation of police officer.** Whenever a police officer is appointed or designated a probation officer with the concurrence of the department of police, such appointment or designation cannot be revoked by any official of the department of police for the period of one year from the date of such appointment; and such officer while serving as a probation officer shall be subject only to the orders of the judge, except in cases of emergency when his services may be required by the department of police, or except that he may be suspended, reduced or removed by the board of police for the reason and in the manner provided by section one hundred and ninety-two of this act. The judge may revoke the appointment or designation of any police officer at pleasure, and thereupon such police officer must return at once to his duties in the department of police.

(*Laws of* 1911, *chap.* 651.)

MONROE COUNTY.

AN ACT TO ESTABLISH THE CHILDREN'S PART OF MONROE COUNTY COURT.

Monroe County Court; Exclusive Jurisdiction in Cases of Delinquent and Neglected Children; Chancery Procedure; Probation; Probation Officers.

Section 1. The county court of Monroe county shall have original and exclusive jurisdiction of all cases coming within the terms and provisions of this act. This act shall be construed liberally and as remedial in character; and the powers hereby conferred are intended to be general to effect the beneficial purposes herein set forth.

§ 2. This act shall apply to any child less than sixteen years of age residing or being at the time in Monroe county.

A. Who violates any penal law or any municipal ordinance, or who commits any act or offense for which he could be prosecuted

Digitized by Google

in a method partaking of the nature of a criminal action or proceeding (except a crime punishable by death or life imprisonment), or

B. Who engages in any occupation, calling or exhibition or is found in any place for permitting which an adult may be punished by law, or who so deports himself or is in such condition or surroundings or under such improper or insufficient guardianship or control, as to endanger the morals, health or general welfare of said child.

§ 3. Any person having knowledge or information that a child residing in or actually within the county is within the provisions of the preceding section may file with said county court a verified petition stating the facts that bring such child within said provisions. The petition may be upon information and belief. The title of the proceeding shall be, "County Court, County of Monroe. In the Matter of (Inserting Name), a Child under Sixteen Years of Age." The petition shall set forth the name and residence of the child and of the parents, if known to the petitioner, and the name and residence of the person having the guardianship, custody, control and supervision of such child, if the same be known or ascertained by the petitioner, or the petition shall state that they are unknown, if that be the fact.

§ 4. Upon filing the petition, the court or a judge thereof may forthwith, or after first causing an investigation to be made by a probation officer or other person, cause a summons to be issued signed by one of the judges or the special clerk of said court, requiring the child to appear before the court and the parents, or the guardian, or the person having the custody, control or supervision of the child, or the person with whom the child may be, to appear with the child, at a place and time stated in the summons, to show cause why the child should not be dealt with according to the provisions of this act.

§ 5. If it appears from the petition that the child is embraced within subdivision A of section two, or is in such condition that the welfare of the child requires that its custody be immediately assumed, the court may indorse upon the summons a direction that the officer serving the same shall at once take said child into his custody; in the meantime such child may be admitted to bail or

Digitized by Google

released in the custody of a probation officer or other person by one of the judges of said court, the special clerk or the chief probation officer; but when not so released, the child shall be detained pending the hearing of the case in the shelter hereinafter provided for; and in no case arising under this act shall any child be placed in a jail, common lock-up or other place where adult criminals are confined.

§ 6. Service of summons within the county of Monroe shall be made personally by delivering to and leaving with the person summoned a true copy thereof. If it shall be made to appear, by affidavit, that reasonable but unsuccessful effort has been made to serve the summons personally upon the parties named therein, other than said child, the court or any judge thereof at any stage of the proceedings may make an order for substituted service of the summons or of a supplemental summons in the manner provided for substituted service of civil process in courts of record, and if such parties are without said county, service may be made by mail, by publication or personally without the county in such manner and at such time before the hearing as in said order directed. It shall be sufficient to confer jurisdiction if service is effected at any time before the time fixed in the summons for the return thereof, but the court, if requested, shall not proceed with the hearing earlier than the third day after the date of the service. Proof of service shall be made substantially as in courts of record. Failure to serve summons upon any person other than said child shall not impair the jurisdiction of the court to proceed in cases arising under subdivision A of section two, provided that, for good cause shown, the court make an order dispensing with such service. The summons shall be considered a mandate of the court, and wilful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for a criminal contempt. At any stage of the case, the court may, in its discretion, appoint an attorney or other suitable person to be the guardian ad litem of the said child for the purposes of the proceeding, and the court may call upon the district attorney of said county to attend to assist the court in any proceeding under this act; and the sheriff of said county shall serve or cause to be served all papers which are directed by the court to be served by him, and a suitable allow-

Digitized by Google

ance shall be made by the board of supervisors for his actual disbursements in effecting such service; but all papers may be served by any person delegated by the court for that purpose. The expense incurred in making substituted service or service by publication or personally without the county shall be a county charge.

§ 7. Upon the return of the summons, or at the time set for the hearing, the court shall proceed to hear and determine the case. The court may conduct the examination of the witnesses without the assistance of counsel, and may take testimony and inquire into the habits, surroundings, condition and tendencies of said child, to enable the court to render such order or judgment as shall best conserve the welfare of said child and carry out the objects of this act; and the court, if satisfied that the child is in need of the care or discipline and protection of the state, may so adjudicate, and may in addition find said child to be delinquent or neglected, or in need of more suitable guardianship, as the case may be; and in addition to the powers granted by this act, may render such judgment and make such order or commitment, according to the circumstances of the case, as any court or magistrate is now or may hereafter be authorized by law to render or make in any of the cases coming within section two of this act. It is the intention of this act that in all proceedings coming under its provisions the court shall proceed upon the theory that said child is the ward of the state, and is subject to the discipline and entitled to the protection which the court should give such child under the conditions disclosed in the case; and when once jurisdiction has been obtained in the case of any such child, it shall continue for the purposes of this act during the minority of said child. The court shall have power, upon the hearing of any case involving any child, to exclude the general public from the room wherein said hearing is held, admitting thereto only such persons as may have a direct interest in the case; and the records of all cases may be withheld from indiscriminate public inspection in the discretion of the court; but such records shall be open to inspection of such child, his parents or guardians, or his attorneys, at all times. The hearings may be conducted in the judge's chambers or in such other room or apartment as the supervisors may provide for such cases;

Digitized by Google

and as far as practicable such cases shall not be heard in conjunction with the other business of the court. No adjudication under the provisions of this act shall operate as a disqualification of the child for any office under any state or municipal civil service; and such child shall not be denominated a criminal by reason of any such adjudication; nor shall such adjudication be denominated a conviction.

§ 8. Nothing in this act contained shall be construed as forbidding the arrest, with or without warrant, of any child as now or hereafter may be provided by law, or as forbidding the issuing of warrants by magistrates, as provided by law; whenever a child less than sixteen years of age is brought before a magistrate in said county, such magistrate shall transfer the case to the county court by an order directing that said child be taken forthwith to the shelter; such magistrates may, however, by order admit such child to bail, or release said child in the custody of some suitable person as now provided by law, to appear before said court at a time designated in the said order. All informations, depositions, warrants and other process in the hands of such magistrate shall be forthwith transmitted to the county court, and shall become part of its records; the county court shall thereupon proceed to hear and dispose of such case in the same manner as if the proceeding had been instituted in said county court upon petition, as hereinbefore provided. In all cases the nature of the proceeding shall be explained to said child, and if they appear, to the parents, custodian or guardian; and intermediate the arrest of such child with or without warrant, and the appearance of said child before the county court, if not paroled or otherwise released, he shall be detained in the shelter where he shall be received and cared for subject to the order of the court or one of the judges thereof.

§ 9. An appeal may be taken from any final order or judgment of said court to the appellate division of the Supreme court within sixty days after the entry of said order, and if any such appeal is taken by the guardian ad litem appointed for said child by said court, said court may, in its discretion, grant an order auditing and allowing the actual disbursements of said guardian ad litem in printing his papers on appeal; whereupon said disbursements

Digitized by Google

shall become a claim against the county of Monroe, to be paid as a county charge.

§ 10. The county judge may arrange with any incorporated society or association maintaining a shelter or suitable place of detention for children in said county for the use thereof as a shelter or temporary detention home for children coming within the provisions of this act, and may enter an order which shall be effectual for that purpose; and a reasonable sum shall be appropriated by the board of supervisors for the expenses incurred by said society or association for the care of such children. If, however, the county judge shall certify that a suitable arrangement for such use cannot be made, or continued, the board of supervisors shall establish, equip and maintain a home for the temporary detention of such children separated entirely from any place of confinement of adults, to be called "the county shelter," which shall be conducted as an agency of the county court for the purposes of this act and, so far as possible, shall be furnished and carried on as a family home and shall be in charge of a superintendent and a matron who shall reside therein. The county judge shall have authority to appoint said superintendent, matron and the other employees of said county shelter in the same manner in which probation officers are appointed under this act, their salaries to be fixed and paid in the same manner as the salaries of probation officers. The county judge may appoint as such superintendent or matron one of the probation officers, with or without additional salary. The necessary expenses incurred in maintaining said county shelter shall be paid by the county.

§ 11. The county judge may appoint a special clerk to keep the records and act as clerk of the court in cases under this act, and a chief probation officer, whose duty it shall be to act under the direction of said court in the cases arising under this act; and said clerk and said chief probation officer shall be paid such reasonable compensation as the board of supervisors may determine, as a county charge. If the county judge finds it compatible with the public interest, he may name a probation officer or other person in the county service to act as the clerk. The county judge may also, if found necessary for the adequate care and protection of the children under the jurisdiction of the court, appoint one or

Digitized by Google

more additional probation officers, to be paid such compensation as the board of supervisors may provide; and in addition thereto may appoint voluntary probation officers to serve without compensation from the county treasury and under such conditions as the judge may determine to be conducive to the successful operation of this act; and with respect to such salaried or voluntary probation officers, and the administration of said shelter, the court may devise such rules of procedure and method as in the judgment of the court will conduce to the beneficial purposes of this act; and said judge may at pleasure remove said officers; said salaried probation officers shall have all the powers of peace officers anywhere in the state for the purposes of this act; and the court is authorized to seek the co-operation of all societies or organizations, public or private, having for their object the protection or aid of indigent or neglected children, to the end that the court may be assisted in every reasonable way to give to all of such children the care, protection and assistance which will conserve the welfare of such children. And it is hereby made the duty of every county town or municipal official or department, in said county, to render such assistance and co-operation within his or its jurisdictional power to further the objects of this act; and all institutions, associations or other custodial agencies in which any child may be, coming within the provisions of this act, are hereby required to give such information to the court or any of said officers appointed by it as said court or officers may require for the purposes of this act.

§ 12. All provisions of law applicable to probation of children brought before any court or magistrate are made applicable to cases coming within the provisions of this act, except that the period of probation may be extended by the court during the minority of said child; and the times and places for the appearance of said child during said probationary period shall be entirely within the discretion of the court; and during said probationary period and during the time when said child may be committed to any institution or to the care of any association or person for custodial or disciplinary purposes, said child shall always be subject to the friendly visitation of such probation officers or other agents of the court as may be appointed for that purpose; and any final order or judgment made by the court in the case of any such child

Digitized by Google

shall be subject to such modifications from time to time as the court may consider to be for the welfare of said child; and no commitment of any child to any institution or other custodial agency shall deprive the court of the jurisdiction to change the form of the commitment or transfer the custody of said child to some other institution or agency on such conditions as the court may see fit to impose, the duty being constant upon the court to give to all children subject to its jurisdiction such oversight and control in the premises as will conduce to the welfare of said child and the best interests of the state.

§ 13. Whenever any child is found to be in such condition, surroundings or under such improper or insufficient guardianship as to lead the court, in its discretion, to take the custody of said child away from its parents and place it in some institution or under some other custodial agency, the court may, after issuing and service of an order to show cause upon the parents or other person having the duty under the law to support said child, adjudge that the expense of caring for said child by said custodial agency or institution as fixed by the court should be paid by the person or persons bound by law to support said child; in which event such person or persons shall be liable to pay to such custodial agency or institution and in such manner as the court may direct the money so adjudged to be payable by him or them; and willful failure to pay said sum may be punished as a contempt of court and the order of the court for the payment of said money may be also enforced as money judgments of courts of record are enforced.

§ 14. Whenever a child within the jurisdiction of said court and under the provisions of this act appears to the court to be in need of medical care, a suitable order may be made for the treatment of such child in a hospital, and the expense thereof shall be a county charge; and the county may recover the said expense in a suitable action from the person or persons liable for the furnishing of necessaries for said child; and for that purpose the court may cause any such child to be examined by any health officer within the jurisdiction of the court, or by any duly licensed physician.

§ 15. Whenever it shall appear to the court, in the case of any neglected child or of any child in need of more suitable guardianship that has been taken from its home or the custody of its

Digitized by Google

parents, that conditions have so changed that it is consistent with the public good and the welfare of said child that the parents again have the custody of said child, the court may make a suitable order in the premises. In committing any child to any custodial agency or placing it under any guardianship other than that of its natural guardians, the court shall, as far as practicable, select as the custodial agency some individual holding the same religious belief as the parents of said child, or some institution or association governed by persons of like religious faith, unless said institution is a state or municipal institution.

§ 16. Whenever, in the course of a proceeding instituted under this act, it shall appear to the said court that the welfare of said child will be promoted by the appointment of an individual as general guardian of his property, and of his person, when such child is not committed to any institution or to the custody of any incorporated society, the court shall have jurisdiction to make such appointment either upon the application of the child or some relative or friend, or upon the court's own motion; and in that event an order to show cause may be made by the court, to be served upon the parent or parents of said child in such manner and for such time prior to the hearing as the court may deem reasonable. In any case arising under this act, the court may determine as between parents whether the father or mother shall have the custody, tuition and direction of said child.

§ 17. Nothing herein contained shall be construed as abridging the general chancery power and jurisdiction exercised by the supreme court over the persons and estates of minors, nor as abridging the authority of the surrogate to appoint guardians for infants as now provided by law.

§ 18. It shall be the duty of the county judge of said county, at least once a year, to visit each institution in which there shall be at the time any child under commitment pursuant to this act, and the managers and officers of said institution shall accord to said judge full opportunity to inspect the said institution in all its departments, to the end that the court may be advised as to the propriety of continuing the use of said institution as a custodial agency; and said judge may examine witnesses under oath within the county where said institution is located, or appoint a referee

Digitized by Google

for the purpose of obtaining any information as to the efficiency and character of such institution.

§ 19. The court shall have power to devise and publish rules and regulate the procedure for cases coming within the provisions of this act, and for the conduct of all probation and other officers of the court in such cases, and such rules shall be enforced and construed beneficially for the remedial purposes embraced herein. The court may devise and cause to be printed for public use such forms for records and for the various petitions, orders, process and other papers in the cases coming under this act as shall meet the requirements thereof; and all the expenses incurred by the court in complying with the provisions of this act shall be a county charge.

(*Laws of* 1910, *chap.* 611.)

NEW YORK CITY.

INFERIOR CRIMINAL COURTS ACT.

§ 96. **Probation officers; appointment and removal.** On or before the first day of September, nineteen hundred and ten, the chief justice of the court of special sessions shall appoint a chief probation officer and similarly each chief city magistrate shall appoint a chief probation officer. The duties of said chief probation officers shall be prescribed by the chief justice and each chief city magistrate respectively. The civilian male and female probation officers of the courts of special sessions of the first and second divisions and the female probation officers of the board of city magistrates of the first division and the female probation officers and civilian male probation officers of the board of city magistrates of the second division shall continue in office, unless and until removed as provided by this act. A majority of the justices of the court of special sessions as constituted by this act shall, on or before the first day of September, nineteen hundred and ten, appoint, in addition to the probation officers continued as aforesaid, civilian probation officers not to exceed twelve in all, including those continued in office as hereinbefore provided. The board of city magistrates of the first division shall appoint ten civilian male probation officers on or before the first day of September, nineteen

Digitized by Google

hundred and ten, and the board of city magistrates of the second division shall appoint five civilian male probation officers in addition to those continued as hereinbefore provided. The majority of the justices of the court of special sessions and of the respective boards of magistrates may from time to time appoint such additional probation officers as the board of aldermen, upon the recommendation of the board of estimate and apportionment, may authorize. On and after the first day of September, nineteen hundred and ten, no police officer shall be designated or act as a probation officer. The chief probation officers and all other probation officers shall be deemed the confidential officers of the justices and magistrates. The chief justice or the chief city magistrates, as the case may be, or a majority of the justices or a majority of each board of magistrates, may at pleasure remove the chief probation officer or any probation officer.

§ 97. **Powers and duties of probation officers.** Each probation officer shall have all the powers and duties conferred upon probation officers by the code of criminal procedure. Probation officers shall keep such records and conform to such rules and regulations as may be established by a majority of the justices or of the respective boards of magistrates, as the case may be. It shall be the duty of the chief justices and each chief city magistrate, respectively, to see that such rules and regulations are observed and that such records are properly kept. So far as may be practicable, certain of the probation officers of the court of special sessions shall be permanently assigned by a majority of the justices to the children's courts.

§ 98. **Adults; period of probation.** An adult convicted of a misdemeanor may be placed on probation for such time as the court of special sessions may deem proper, not longer, however, than two years. An adult convicted of an offense of which a magistrate has summary jurisdiction may be *be placed on probation for such time as the magistrate may deem proper, not longer, however, than one year.

* So in original.

Digitized by Google

§ 99. **Children; period of probation.** A child may be placed on probation for such time as the justice holding the children's court may deem proper, not longer, however, than three years, and such probation period may extend beyond the time such child attains the age of sixteen years. When practicable a child placed on probation shall be placed with a probation officer of the same religious faith as that of the child's parents.

§ 100. **Revocation of probation.** Probation may be revoked at any time within the maximum periods hereinbefore mentioned by the court of special sessions where the person was placed on probation by said court, or by any justice in children's cases, or by any magistrate in cases over which magistrates have jurisdiction; but so far as practicable the revocation of probation of a child shall be made by the justice who placed the child on probation, or of an adult, by the magistrate who placed such adult on probation. Upon such revocation the court, justice or magistrate may make such commitment as could have ordinarily been made if the child or adult had not been placed on probation, and to that end may pronounce any judgment or sentence, or impose any fine, or other penalty, or make any commitment which might have been imposed, or made at the time the conviction was had. Whenever probation is revoked, the court, justice or magistrate, as the case may be, may issue process for the re-arrest of the defendant, and, if arraigned, the court, as it is then constituted, or any justice or magistrate, as the case may be, may proceed to enter judgment and impose sentence as herein provided. Provided further that whenever a defendant has been convicted of having abandoned his wife or children without adequate support or leaves them in danger of becoming a burden upon the public, or who neglects to provide for them according to his means, or who threatens to run away and leave his wife and children a burden upon the public, or is convicted of being a relative of a poor person and of sufficient ability to maintain him, her or them as provided in section six hundred and eighty-three of the charter of the city of New York, on consent of the parties to said proceeding, the magistrate who sentenced the defendant, or the magistrate sitting in a magistrate's domestic relations court in which said defendant was convicted, if in the

Digitized by Google

judgment of said magistrate it is to the interest of all the parties so to do, may enter an order discontinuing said proceeding and discharge said defendant from probation, imprisonment if said defendant be imprisoned, or cancel any bond or undertaking given therein.

(*Laws of* 1910, *chap.* 659, §§ 96–100; *amended by Laws of* 1911, *chap.* 757.)

NEW YORK CITY.

GREATER NEW YORK CHARTER, § 707.

BOARD OF INEBRIETY; PROBATION FOR DRUNKARDS.

(NOTE.— *Laws of* 1910, *chap.* 551, *amended the Greater New York charter, §§ 693 and 707. Section 693 authorized the establishment of a board of inebriety by the city. This section* (§ 707) *provides that all arrests of persons charged with public intoxication shall be reported by telephone to the board of inebriety; that field officers of the board shall investigate the records of those so reported; that those so investigated who have not been arrested on the same charge within the previous twelve months may, upon request, be released without arraignment; and that those discovered to have been arrested before on the same charge within the previous twelve months shall be held for arraignment. The treatment of those who, after arraignment, are adjudged guilty of public intoxication, is prescribed in the following section.*)

§ 707. When a board of inebriety shall have been appointed and when the said board shall have certified in writing to the mayor that the hospital and industrial colony of said board is ready to receive inmates, upon a charge of public intoxication, the court or magistrates having jurisdiction, notwithstanding any other provision of law, shall proceed in accordance with the following provisions:

1. Dismiss the complaint upon the receipt of a written request for release from the person arrested to be released, and upon the receipt of a report from a field officer of the board of inebriety.

2. Issue warrant for the arrest of a person released pursuant to the provisions of subdivision six of section six hundred and ninety-three of the charter of the city of New York, and make such disposition of the case as is authorized in the subsequent provisions of this section.

3. Release the person so convicted, under the supervision of a field officer appointed by the board of inebriety, for a period of

Digitized by Google

not less than six months nor more than one year, upon such conditions as the court may impose. The field officer, in case of the violation of any of such condition or conditions, shall arrest the offender and bring him before the court. The court may thereupon impose upon such person one of the penalties provided in the subsequent provisions of this section and shall do so if the person has been released under supervision two or more times and has twice violated the conditions of his release.

4. Release the person so convicted, under supervision, as provided in the next preceding subdivision of this section, and in addition impose a fine of not to exceed twenty-five dollars. Such fine may be paid in instalments in such amounts and at such times as the court may determine and shall be paid to the board of inebriety at such place and in such manner as the board may direct. Failure to pay such fine in such amounts and at such times as the court may have determined shall be considered a violation of the terms on which such person was released under supervision, and the field officer shall thereupon arrest the offender and bring him before the court. The court may thereupon impose upon such person one of the penalties provided in the subsequent provisions of this section and shall do so if the person has been released two or more times with an added fine imposed and has twice failed to pay the fine. All fines and portions of fines so collected shall be reported by the field officers to the court imposing such fines and shall be turned over to the board of inebriety and transmitted by such board monthly to the comptroller.

5. Commit the person so convicted to the custody of the board of inebriety on an indeterminate sentence, for a period of not less than three months nor more than six months, provided such person has not been previously committed to the custody of such board, and provided he has previously been arrested for public intoxication within the twelve months next preceding.

6. Commit the person so convicted to the custody of the board of inebriety on an indeterminate sentence, for a period of not less than six months nor more than one year, provided such person has previously been committed to such board.

7. Commit the person so convicted to the custody of the board of inebriety on an indeterminate sentence, for a period of not less

Digitized by Google

than one year nor more than three years, provided such person has been previously committed two or more times to such board.

8. Commit the person so convicted to the workhouse for a period of not less than one year nor more than three years.

Nothing in this section contained shall be so construed as to prevent any court or magistrate from committing any person so convicted to any State institution to which, and for any term longer than six months, for which such magistrate may now be authorized to commit by law. Any court or magistrate may suspend sentence in the case of any person convicted as in this section provided and may release such person upon probation upon such terms and conditions, and for such period of time, not exceeding six months, as the court or magistrate may deem best. A person released on probation in accordance with the provisions of this section shall be placed under the charge and supervision of a probation officer, to be appointed as provided in this section, and shall be furnished by the clerk of the court with a written statement of the terms and condition of his release, provided that when a board of inebriety shall have been appointed and when it shall have certified in writing to the mayor, that the hospital and industrial colony of the said board is ready to receive inmates, a male person convicted of public intoxication, if placed on probation, shall be placed under the supervision of a field officer appointed by the board of inebriety. If at any time during the probationary term of a person convicted and released under the provisions of this section it shall appear to the court before which, or the magistrate sitting in the magistrates' court in which the person so convicted was convicted, by report of the probation officer under whose care such person was placed, or otherwise, that such person has violated any of the terms or conditions of his release, the said court or magistrate may issue a warrant for the arrest of such person, and if it shall appear that such violation has occurred, it or he may commit him, in accordance with the provisions of this section, in the same manner as if such person had not theretofore been released upon probation. The board of city magistrates of each division of the city of New York shall have authority to appoint such number of discreet persons of good character, either men or women, to serve as probation officers, as

Digitized by Google

said boards may deem necessary, to serve during the pleasure of the court or board of magistrates appointing them. The board of city magistrates of each division of the city of New York shall assign the probation officers appointed by it to the various city magistrates' courts in its division, and each probation officer shall act only as an officer of the city magistrates' court to which he is so assigned. It shall be the duty of the probation officers appointed under the provisions of this section to supervise the conduct of each person placed under their charge respectively, and to report any violation by any such person of the terms and conditions of his release; to make such investigation as may be required by the court or magistrate in the case of any person accused or convicted of public intoxication, disorderly conduct or vagrancy, and to furnish such information as may be necessary to assist the court or magistrate in making a proper disposition of each case; and to render such assistance and advice to the persons placed under their charge as each case may require. If two or more probation officers are attached to any city magistrates' court, the court or magistrate shall designate the officer under whose charge each person on probation shall be placed. (*Laws of* 1910, *chapter* 551.)

ONTARIO COUNTY.

AN ACT TO ESTABLISH THE CHILDREN'S PART OF ONTARIO COUNTY COURT.

Ontario County Court, Exclusive Jurisdiction in Cases of Delinquent and Neglected Children; Chancery Proceedure; Probation; Probation Officers.

Section 1. **Jurisdiction.** The county court of Ontario county shall have original and exclusive jurisdiction of all cases coming within the terms and provisions of this act. This act shall be construed liberally and as remedial in character; and the powers hereby conferred are intended to be general to effect the beneficial purposes herein set forth.

§ 2. **Definitions of children.** This act shall apply to any child less than sixteen years of age residing or being at the time in Ontario county:

(a) who violates any penal law or any municipal ordinance,

Digitized by Google

or who commits any act or offense for which he could be prosecuted in a method partaking of the nature of a criminal action or proceeding (except a crime punishable by death or life imprisonment), or

(b) who engages in any occupation, calling or exhibition or is found in any place for permitting which an adult may be punished by law, or who so deports himself or is in such condition or surroundings or under such improper or insufficient guardianship or control, as to endanger the morals, health or general welfare of said child.

§ 3. **Petition.** Any person having knowledge or information that a child residing in or actually within the county is within the provisions of the preceding section may file with said county court a verified petition stating the facts that bring such child within said provisions. The petition may be upon information and belief. The title of the proceeding shall be "Children's Part, County Court, County of Ontario. In the Matter of (inserting name), a Child under Sixteen Years of Age." The petition shall set forth the name and residence of the child and of the parents, if known to the petitioner, and the name and residence of the person having the guardianship, custody, control and supervision of such child, if the same be known or ascertained by the petitioner, or the petition shall state that they are unknown, if that be the fact.

§ 4. **Issuance of summons.** Upon the filing of the petition, the court or the judge thereof may forthwith, or after first causing an investigation by a probation officer or other person, cause a summons to be issued signed by the judge or the special clerk of the children's part of said court, requiring the child to appear before the court and the parents, or the guardian, or the person having the custody, control or supervision of the child, or the person with whom the child may be, to appear with the child, at a place and time stated in the summons, to show cause why the child should not be dealt with according to the provisions of this act.

§ 5. **Custody of child; bail.** If it appears from the petition that the child is embraced within subdivision a of section two, or is in such condition that the welfare of the child requires that

Digitized by Google

its custody be immediately assumed, the court may indorse upon the summons a direction that the officer serving the same shall at once take said child into his custody. Such child may thereafter be admitted to bail or released in the custody of a probation officer or other person by the judge of said court, the clerk or the chief probation officer; but when not so released, the child shall be detained, pending the hearing of the case, in such place of detention as is hereinafter provided for. In no case arising under this act shall any child be placed in a jail, common lock-up or other place used for the confinement of adults charged with or convicted of crime or other offenses.

§ 6. **Service of summons.** Service of summons within the county of Ontario shall be made personally by delivering to and leaving with the person summoned a true copy thereof. If it shall be made to appear, by affidavit, that reasonable but unsuccessful effort has been made to serve the summons personally upon the parties named therein, other than said child, the court or the judge thereof at any stage of the proceedings may make an order for substituted service of the summons or of a supplemental summons in the manner provided for substituted service of civil process in courts of record, and if such parties are without said county, service may be made by mail, by publication or personally without the county in such manner and at such time before the hearing as in said order directed. It shall be sufficient to confer jurisdiction if service is effected at any time before the time fixed in the summons for the return thereof, but the court, if requested by the child or parent or such other person as is mentioned in section four, shall not proceed with the hearing earlier than the third day after the date of the service. Proof of service shall be made substantially as in courts of record. Failure to serve summons upon any person other than said child shall not impair the jurisdiction of the court to proceed in cases arising under subdivision a of section two, provided that, for good cause shown, the court make an order dispensing with such service. The summons shall be considered a mandate of the court, and wilful failure to obey its requirements shall subject any person guilty thereof to liability for punishment as for a criminal contempt. At any stage of the case, the court may, in its discretion,

Digitized by Google

appoint an attorney or other suitable person to be the guardian ad litem of the said child for the purposes of the proceeding, and the court may call upon the district attorney of said county to appear in any proceeding under this act. The sheriff of said county shall serve or cause to be served all papers which are directed by the court to be served by him, and a suitable allowance shall be made by the board of supervisors for his actual disbursements in effecting such service; but all papers may be served by any person delegated by the court for that purpose. The expense incurred in making substituted service or service by publication or personally without the county shall be a county charge.

§ 7. **Hearing; judgment; records.** Upon the return of the summons, or at the time set for the hearing, the court shall proceed to hear and determine the case. The court may conduct the examination of the witnesses without the assistance of counsel, and may take testimony and inquire into the habits, surroundings, condition and tendencies of said child, to enable the court to render such order or judgment as shall best conserve the welfare of said child and carry out the objects of this act. The court, if satisfied that the child is in need of the care or discipline and protection of the state, may so adjudicate, and may in addition find said child to be delinquent or neglected, or in need of more suitable guardianship, as the case may be; and in addition to the powers granted by this act, may render such judgment and make such order or commitment, according to the circumstances of the case, as any court or magistrate is now or may hereafter be authorized by law to render or make in any of the cases coming within section two of this act. It is the intention of this act that in all proceedings coming under its provisions the court shall proceed upon the theory that said child is the ward of the state, and is subject to the discipline and entitled to the protection which the court should give such child under the conditions disclosed in the case; and when once jurisdiction has been obtained in the case of any such child, it shall, unless a court order shall be issued to the contrary, continue for the purposes of this act during the minority of said child. The court shall have power, upon the hearing of any case involving any child, to exclude the

Digitized by Google

general public from the room wherein said hearing is held, admitting thereto only such persons as may have a direct interest in the case. The hearings may be conducted in the judge's chambers or in such other room or apartment in any place in the county as the supervisors may provide or as the judge without the action of the supervisors and without expenses to the county may secure. As far as practicable such cases shall not be heard in conjunction with the other business of the court. The records of all cases may be withheld from indiscriminate public inspection in the discretion of the court; but such records shall be open to inspection by such child, his parents or guardians, or his attorneys, at all times. No adjudication under the provisions of this act shall operate as a disqualification of the child for any office under any state or municipal civil service; and such child shall not be denominated a criminal by reason of any such adjudication; nor shall such adjudication be denominated a conviction.

§ 8. **Arrest; transfer from other courts.** Nothing in this act shall be construed as forbidding the arrest, with or without warrant, of any child as now or hereafter may be provided by law, or as forbidding the issuing of warrants by magistrates, as provided by law. Whenever a child less than sixteen years of age is brought before a magistrate in said county, such magistrate should transfer the case to the county court by an order directing that said child be taken forthwith to the shelter; such magistrate may, however, by order admit such child to bail, or release said child in the custody of some suitable person as now provided by law, to appear before said county court at a time designated in the said order. All informations, depositions, warrants and other process in the hands of such magistate shall be forthwith transmitted to the county court, and shall become part of its records. The county court shall thereupon proceed to hear and dispose of such case in the same manner as if the proceeding had been instituted in said county court upon petition, as hereinbefore provided. In all cases the nature of the proceeding shall be explained to said child, and if they appear, to the parents, custodian or guardian; and between the time of the arrest of such child and its appearance before the county court, he shall, if not bailed or otherwise released, be detained as provided in section five.

Digitized by Google

§ 9. **Appeals.** An appeal may be taken from any final order or judgment of said court to the appellate division of the supreme court within sixty days after the entry of said order, and if any such appeal is taken by the guardian ad litem appointed for said child by said court, said court may, in its discretion, grant an order auditing and allowing the actual disbursements of said guardian ad litem in printing his papers on appeal; whereupon said disbursements shall become a claim against the county of Ontario, to be paid as a county charge.

§ 10. **Place of detention.** The county judge may arrange with any incorporated society or association maintaining a suitable place for the detention of children in said county for the use thereof or of a part thereof as a temporary detention home for children coming within the provisions of this act, and may enter an order which shall be effectual for that purpose; and a reasonable sum shall be appropriated by the board of supervisors for the compensation of said society or association for the care of such children. If, however, the county judge shall certify that a suitable arrangement for such use cannot be made, or continued, the board of supervisors may establish, equip and maintain a temporary detention home for such children entirely separated from any place of confinement of adults, to be called "the county shelter," which shall be conducted as an agency of the county court for the purposes of this act and, so far as possible, shall be furnished and carried on as a family home and shall be in charge of a superintendent or matron who shall reside therein. The board of supervisors may authorize the county judge to appoint a superintendent, matron and other necessary employees of said county shelter in the same manner in which probation officers are appointed under this act, their salaries to be fixed and paid in the same manner as the salaries of probation officers. The county judge may appoint as such superintendent or matron a probation officer. The necessary expenses incurred in maintaining said county shelter shall be paid by the county.

§ 11. **Clerk; probation officer; co-operation.** The county judge may appoint a chief probation officer, whose duty it shall be to

Digitized by Google

act under the direction of said court in the cases arising under this act to keep the records and act as clerk of the children's part of the county court and who shall be appointed, and perform all of the duties of, county probation officer by virtue of and according to the provisions of section eleven-a of the code of criminal procedure; and said chief probation officer shall be paid such reasonable compensation as the board of supervisors may determine. The court is authorized to seek the co-operation of all societies or organizations, public or private, having for their object the protection or aid of indigent or neglected children, to the end that the court may be assisted in every reasonable way to give to all of such children the care, protection and assistance which will conserve the welfare of such children. And it is hereby made the duty of every county, town or municipal official or department, in said county, to render such assistance and co-operation within his or its jurisdictional power to further the objects of this act; and all institutions, associations or other custodial agencies in which any child may be, coming within the provisions of this act, are hereby required to give such information to the court or any of said officers appointed by it as said court or officers may require for the purposes of this act.

§ 12. **Probation; commitments.** All provisions of law applicable to probation of children brought before any court or magistrate are made applicable to cases coming within the provisions of this act, except that the period of probation may be extended by the court during the minority of said child. If it becomes necessary to commit any such child over sixteen years of age who is on probation the order of commitment, nunc pro tunc, shall be entered as of the date of judgment, and any institution to which commitment originally could be made is authorized to receive such child and have payment therefor as if under sixteen. The times and places for the appearance of said child during said probationary period shall be entirely within the discretion of the court, and during said probationary period and during the time when said child may be committed to any institution or to the care of any association or person for custodial or disciplinary

Digitized by Google

purposes, said child shall always be subject to the friendly visitation of such probation officers or other agents of the court as may be appointed for that purpose. And any final order or judgment made by the court in the case of any such child shall be subject to such modifications from time to time as the court may consider to be for the welfare of said child; and no commitment of any child to any institution or other custodial agency shall deprive the court of the jurisdiction to change the form of the commitment or transfer the custody of said child to some other institution or agency on such conditions as the court may see fit to impose, the duty being constant upon the court to give to all children subject to its jurisdiction such oversight and control in the premises as will conduce to the welfare of said child and the best interests of the state.

§ 13. **Support of children in institutions.** Whenever any child is found to be in such condition, surroundings or under such improper or insufficient guardianship as to lead the court, in its discretion, to take the custody of said child away from its parents and place it in some institution or under some other custodial agency, the court may, after the issuance and service of an order to show cause upon the parents or other person having the duty under the law to support said child, adjudge that the expense of caring for said child by said custodial agency or institution as fixed by the court shall be paid by the person or persons bound by law to support said child; in which even such person or persons shall be liable to pay to such custodial agency or institution and in such manner as the court may direct the money so adjudged to be payable by him or them; and willful failure to pay said sum may be punished as a contempt of court and the order of the court for the payment of said money may be also enforced as money judgments of courts of record are enforced.

§ 14. **Medical care.** Whenever a child within the jurisdiction of said court and under the provisions of this act appears to the court to be in need of medical care, a suitable order may be made for the treatment of such child in a hospital, and the expense thereof shall be a county charge; provided that the county may recover the said expense in a suitable action from the person or

Digitized by Google

persons liable for the furnishing of necessaries for said child, and that for that purpose the court may cause any such child to be examined by any health officer within the jurisdiction of the court, or by any duly licensed physician.

§ 15. **Return of child to parents; selection of institution.** Whenever it shall appear to the court, in the case of any neglected child or of any child in need of more suitable guardianship that has been taken from its home or the custody of its parents, that conditions have so changed that it is consistent with the public good and the welfare of said child that the parents again have the custody of said child the court may make a suitable order in the premises. In committing any child to any custodial agency or placing it under any guardianship other than that of its natural guardians, the court shall, as far as practicable, select as the custodial agency some individual holding the same religious belief as the parents of said child, or some institution or association governed by persons of like religious faith, unless said institution is a state or municipal institution.

§ 16. **Guardian.** Whenever, in the course of a proceeding instituted under this act, it shall appear to the said court that the welfare of said child will be promoted by the appointment of an individual as general guardian of its property, and of his person, when such child is not committed to any institution or to the custody of any incorporated society, the court shall have jurisdiction to make such appointment either upon the application of the child or some relative or friend, or upon the court's own motion, and in that event an order to show cause may be made by the court, to be served upon the parent or parents of said child in such manner and for such time prior to the hearing as the court may deem reasonable. In any case arising under this act, the court may determine as between parents whether the father or mother shall have the custody, tuition and direction of said child.

§ 17. **Power of other courts.** Nothing herein contained shall be construed as abridging the general chancery power and jurisdiction exercised by the supreme court over the persons and estates of minors, nor as abridging the authority of the surrogate to appoint guardians for infants as now provided by law.

Digitized by Google

§ 18. **Visitation of institutions.** It shall be the duty of the judge, so far as practicable, to visit at least once a year each institution in which there shall be at the time any child under commitment pursuant to this act, and the managers and officers of said institution shall accord to said judge full opportunity to inspect the said institution in all its departments. Said judge may examine witnesses under oath within the county where said institution is located, or appoint a referee for the purpose of obtaining any information as to the efficiency and character of such institution.

§ 19. **Rules; substitute judge.** The court shall have power to devise and publish rules to regulate the procedure for cases coming within the provisions of this act, and for the conduct of all probation and other officers of the court in such cases, and such rules shall be enforced and construed beneficially for the remedial purposes embraced herein. The court may devise and cause to be printed for public use such forms for records and for the various petitions, orders, process and other papers in the cases coming under this act and shall meet the requirements thereof; and all the expenses incurred by the court in complying with the provisions of this act shall be a county charge.

(*Laws of* 1913, *chap.* 270.)

ROCHESTER.

CHARTER OF THE CITY OF ROCHESTER, §§ 318, 476, 480.

Probation Officers.

§ 318. **Appointment of probation officers.** The commissioner [of public safety] may appoint to hold office during his pleasure, such number of probation officers as may be prescribed by the board of estimate and apportionment, which number may include one or more female probation officers, if so provided by the board, and they possess the powers now or hereafter conferred by law upon probation officers, and must perform such duties as may be prescribed by the commissioner or otherwise by law.

§ 476. **Power to sentence.** * * * The police justice and the police court have power to impose or suspend sentence or to remit to probation pursuant to law.

Digitized by Google

§ 480. **Probation officers.** The police justice may appoint from time to time to serve during his pleasure and without compensation, such number of probation officers as he may deem desirable. (*Laws of* 1907, *chap.* 755.)

SYRACUSE.

SYRACUSE COURT OF SPECIAL SESSIONS.

Children's Court Procedure; Probation; Probation Officers.

§ 31. **Disposition in certain cases of children charged with an offense.** Whenever a child is charged with an offense of juvenile delinquency, which if committed by an adult would be a misdemeanor, or a felony not punishable by death or life imprisonment, the justice sitting in the children's court shall, as far as is consistent with the interest of the child and of the state, consider the child not as upon trial for the commission of a crime, but as a child in need of the care and protection of the state; to that end he may, if the child or either parent or any guardian or custodian of such child shall so request, before proceeding with the trial of the child for the offense charged, or at any stage of the trial and before conviction, suspend the trial and inquire into all the facts and surrounding circumstances of the case, and if the justice shall so find, he may in his discretion in lieu of proceeding with the trial, adjudge the child to be in need of the care and protection of the state, and thereupon he shall deal with such child in all respects in the manner provided in section four hundred and eighty-six of the penal law in the case of a child not having proper guardianship; and in a case where he shall so adjudge, before or instead of committing such child to confinement in any institution, he may commit him to the place of detention for children provided for in this act, or place such child on probation.

§ 32. **Appointment, removal and compensation of probation officers.** The justice shall have authority to appoint one paid probation officer, and such additional paid probation officers as the board of estimate and apportionment may from time to time authorize. The justice may at pleasure remove any probation

Digitized by Google

officer. The justice may designate one of the probation officers so appointed to be chief probation officer. The board of estimate and apportionment shall fix the salary or compensation of the paid probation officers appointed in pursuance hereof, and shall provide for the payment of such expenses as are necessarily incurred by them in the performance of their duties. The justice shall have power to appoint such volunteer probation officers as he may see fit.

§ 33. **Powers and duties of probation officers.** The probation officers shall have all the powers and duties now conferred upon probation officers by the code of criminal procedure and by law. They shall keep such records and conform to such rules and regulations as may be established by the justice. The chief probation officer shall perform such additional duties as may be required by order of the justice. He shall in addition be a deputy clerk of the court of special sessions, and have the same powers and duties as are conferred and imposed upon deputy clerks by section seventeen of this act.

§ 34. **Children; period of probation.** A child may be placed on probation for such time as the justice holding the children's court may deem proper, not longer, however, than three years, and such probation period may extend beyond the time such child attains the age of sixteen years.

§ 35. **Adults; period of probation.** An adult convicted of a misdemeanor may be placed on probation for such time as the justice holding the court of special sessions may deem proper, not longer, however, than two years. An adult convicted of an offense of which the court or justice thereof has summary jurisdiction may be placed on probation for such time as the court or the justice may deem proper, not longer, however, than one year.

§ 36. **Revocation of probation.** Probation may be revoked at any time within the maximum periods above mentioned by the court or justice thereof; but as far as practicable the revocation of probation shall be made by the justice who placed the child or adult on probation. Upon such revocation the justice may make such commitment as could have originally been made if the child or adult had not been placed on probation, and to that end may pro-

Digitized by Google

nounce any judgment, or sentence, or impose any fine, or other penalty, or make any commitment which might have been pronounced, imposed or made at the time the conviction was had. Whenever probation is revoked, the court or justice thereof, as the case may be, may issue process for the rearrest of the defendant and when arraigned the court as it is then constituted, or the justice thereof, may proceed to enter judgment and impose sentence as herein provided.

(*Laws of* 1910, *chap.* 676.)

YONKERS.

AN ACT TO SUPPLEMENT THE GENERAL LAWS RELATING TO THE CITY OF YONKERS.

Probation; Probation Officers.

Section 15. The city judge of Yonkers shall have power to impose or suspend sentence in the case of any person convicted and may release any such person upon probation upon such terms and conditions, and for such period not exceeding one year as the court shall deem advisable. A person released on probation in accordance with the provisions of this section shall be placed under the charge and supervision of a probation officer to be appointed as provided in this section, and shall be furnished by the city judge or clerk of the court with a written statement of the terms and conditions of his release. If at any time during the probationary term of a person convicted and released under the provisions of this section it shall appear to the court or city judge that such person has violated any of the terms or conditions of his release, the said court or city judge may issue a warrant for the arrest of such person, and if it shall appear that such violation has occurred, he may commit him, in accordance with the provisions of this section in the same manner as if such person had not theretofore been released upon probation, or to remit to probation pursuant to law. The city judge of Yonkers may appoint such number of salaried probation officers, to hold office during his pleasure, at a salary fixed by the board of estimate and apportionment as may be prescribed by the board of estimate and apportionment upon the recommendation of the city judge, and may include one or more

Digitized by Google

female probation officers. The said city judge may appoint from time to time, to serve at his pleasure, and without compensation, such additional number of probation officers as he may deem desirable.

§ 16. It shall be the duty of a probation officer to be present in court at such times and for such hours as directed by the city judge, court, or other magistrate under whose jurisdiction such officer shall be serving; to inquire into the antecedents and character of such persons taken into custody and brought before the court, or confined within the jurisdiction of such court, as such court shall designate; and to report thereon in writing or verbally, to the court, at such time, and in such manner as the court shall require. He shall also keep himself informed of the conduct and surroundings of those placed on probation under his supervision; and, so far as practicable, he shall aid and encourage them by friendly advice and admonition to keep the terms of their probation; and by the exercise of interest and concern in their welfare, he shall endeavor to reclaim them from evil courses; and he shall report to the court from time to time the results obtained. It shall also be the duty of a probation officer appointed by the city judge to make report of his proceedings to said city judge, and otherwise act according to law, and as directed by the rules and regulations of said city judge. Each probation officer appointed by the city judge shall perform such further duties as shall be designated or required of him by said judge.

§ 17. No probation officer shall divulge or communicate to any person, other than to the state commission, city judge, or other magistrate, under whose jurisdiction he is serving, without the consent of the city judge or magistrate appointing him, any facts or information obtained pursuant to the discharge of his duties; nor shall any record of any probationer be made public except in accordance with such rules and regulations therefor as may be provided by the city judge or magistrate holding the court having jurisdiction over such probationer.

§ 18. Upon the termination of the probation period the probation officer shall report the fact to the court and also the conduct of the probationer during the period of probation, and the court may thereupon discharge the probationer from further supervision, or

Digitized by Google

extend the probation period, as the circumstances require. When a probationer is so discharged entry of the discharge shall be made in the records of the court, together with a statement as to the conduct of the probationer during the term of his probation, and his compliance with the terms and conditions of his release.

§ 19. Each probation officer shall have, as to the prisoners committed to his care, the powers of a peace officer.

(*Laws of* 1908, *chap.* 452.)

Digitized by Google

APPENDIX B.

COMPARATIVE STATISTICAL TABLES SHOWING THE GROWTH IN THE USE OF PROBATION IN NEW YORK STATE DURING THE PERIOD EXTENDING FROM JANUARY 1, 1908, TO DECEMBER 31, 1912, INCLUSIVE.

TABLE OF CONTENTS.

	PAGE
Table 1 — Number of persons placed on probation, arranged by places	188
2a — Charges in cases of boys placed on probation	193
2b — Charges in cases of girls placed on probation	193
2c — Offenses in cases of men placed on probation	193
2d — Offenses in cases of women placed on probation	194
3a — Results in cases of boys passed from probation	194
3b — Results in cases of girls passed from probation	194
3c — Results in cases of men passed from probation	195
3d — Results in cases of women passed from probation	195
4 — Investigations by probation officers, arranged by places	196
5 — Collections by probation officers of moneys for family support, fines, and restitution and reparation, arranged by places	200
6 — Probation officers	204

NOTE.— With the exception of Tables 4 and 5 all tables are made up for the entire period extending from January 1, 1908, to December 31, 1912, inclusive. In Table 4 the column headed "1908" shows statistics for the last ten months of that year only. The Commission did not start to collect statistics on "Investigations" until March 1, 1908. Table 5 starts with the year 1909 because no reports of collections by probation officers were made to the Commission prior to January 1 of that year.

Digitized by Google

TABLE 1.—NUMBER OF PERSONS PLACED ON PROBATION, ARRANGED BY PLACES.

COURTS.	BOYS						GIRLS						MEN						WOMEN					
	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total
IN CITIES.																								
Albany Police	65	30	34	43	54	226	....	2	4	8	4	18	48	11	11	12	16	98	....	3	....	16	30	49
Albany Special Sessions	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	3	3	....	....	....	....	....	....
Amsterdam Recorder's	15	20	36	19	21	111	4	3	3	....	1	11	4	14	....	26	38	82	....	1	....	1	4	6
Auburn Recorder's	....	15	28	2	7	52	....	....	....	....	....	....	....	14	27	31	51	123	....	....	....	3	1	4
Binghamton City	17	15	2	6	13	53	....	1	....	....	2	3	6	3	2	....	15	26	....	1	....	....	2	3
Buffalo Children's	470	492	514	369	387	2,232	20	22	29	28	17	116	....	....	....	....	9	9	....	....	....	....	10	10
Buffalo Morning	....	....	....	....	....	....	....	....	....	....	....	....	201	367	....	....	....	568	20	20	....	....	....	40
Buffalo City	....	....	....	....	....	....	....	....	....	....	....	....	....	235	798	846	1,534	3,413	....	15	23	43	198	279
Cohoes Recorder's	....	....	13	23	16	52	....	....	1	3	2	6	....	....	4	....	....	4	....	....	....	....	2	2
Corning City	1	3	....	....	1	5	....	....	....	....	....	....	....	....	1	....	1	2	....	....	....	....	....	....
Cortland City	....	....	....	....	....	....	....	....	....	....	....	....	....	....	....	8	17	25	....	....	....	....	....	....
Dunkirk Municipal	....	....	9	8	5	22	....	....	2	1	....	3	....	....	3	6	9	18	....	....	1	....	....	1
Elmira Recorder's	....	....	....	7	2	9	....	....	....	....	....	....	....	....	....	1	8	9	....	....	....	....	....	....
Fulton Police	....	....	2	2	....	4	....	....	1	....	....	1	....	....	....	....	....	....	....	....	....	....	....	....
Gloversville Recorder's	2	2	20	14	3	41	3	1	....	....	1	5	11	9	11	16	20	67	2	2	3	1	....	8
Hudson City	12	15	9	10	18	64	....	1	2	2	1	6	3	....	....	....	....	3	1	....	....	....	1	2
Ithaca City	....	....	8	8	3	19	....	....	2	....	....	2	....	....	27	34	13	74	....	....	18	5	....	23
Jamestown Police	....	1	1	....	3	5	....	....	1	....	....	1	....	2	....	2	....	4	....	....	....	1	1	2
Johnstown Recorder's	13	8	2	13	8	44	1	3	....	....	....	4	8	4	3	....	....	15	....	....	....	....	....	....
Kingston Recorder's	....	....	....	7	28	35	....	....	....	....	....	....	....	....	....	3	5	8	....	....	....	2	....	2
Lackawanna City	....	....	....	....	26	26	....	....	....	....	....	....	....	....	6	5	55	66	....	....	....	....	10	10
Middletown Recorder's	....	....	....	....	1	1	....	....	....	....	....	....	....	10	7	3	3	23	....	....	....	....	....	....
Mount Vernon City	....	5	13	39	63	120	....	....	2	7	5	14	....	8	20	23	50	101	....	2	6	5	5	18
Newburgh Recorder's	....	9	19	11	7	46	....	....	1	1	....	2	....	....	....	2	3	5	....	....	1	....	2	3
New Rochelle Special Sessions	4	19	11	8	....	42	1	2	1	3	....	7	....	....	....	1	....	1	....	....	....	....	....	....
New York City Board of Magistrates, First Division	....	....	....	....	....	....	....	....	....	....	....	....	1,264	1,110	860	1,130	1,658	6,022	726	495	367	504	816	2,908
New York City Board of Magistrates, Second Division	130	150	109	....	....	389	39	22	18	....	....	79	698	1,185	1,001	1,875	2,655	7,414	1,061	401	307	366	518	2,653
New York City Special Sessions	....	....	16	....	....	16	....	....	....	....	....	....	....	....	907	....	....	907	....	....	99	....	....	99
New York City Special Sessions, Manhattan and Bronx	....	....	....	....	....	....	....	....	....	....	....	....	523	615	....	616	430	2,184	95	141	....	86	64	386
New York City Special Sessions, Brooklyn, Queens and Richmond	8	26	....	....	....	34	....	....	....	....	....	....	226	246	....	324	283	1079	13	19	....	31	26	89
New York City Children's	....	....	625	....	....	625	....	....	72	....	....	72	....	....	....	....	....	....	....	....	....	....	....	....
New York City Children's, New York County	....	....	....	181	1,849	2,030	....	....	....	183	325	508	....	....	....	....	....	....	....	....	....	....	....	....

Digitized by Google

New York City Children's, Kings County	536	440	.....	716	961	2,653	51	58	....	128	159	396	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New York City Children's, Queens County	.....	.....	.....	78	174	252	.....	.....	....	14	23	37	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
New York City Children's, Richmond County	.....	.....	.....	75	85	160	.....	.....	....	3	13	16	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Niagara Falls Police	1	15	12	8	4	40	.....	.....	2	6	3	11	.....	8	25	11	10	54	.....	2	1	.....	1	4
North Tonawanda City	.....	.....	1	.....	.....	1	.....	.....	....	.....	.....	.....	.....	.....	1	.....	.....	1	.....	.....	.....	.....	.....	.....
Ogdensburg Recorder's	.....	5	2	.....	.....	7	.....	1	....	.....	.....	1	.....	1	3	.....	.....	4	.....	.....	2	.....	.....	2
Oneonta City	.....	.....	1	.....	1	2	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	1	1	.....	.....	.....	.....	.....	.....
Oswego Recorder's	.....	13	4	7	6	30	.....	1	....	1	.....	2	.....	3	4	10	3	20	.....	.....	1	.....	.....	1
Plattsburg City	2	1	3	6	5	17	.....	.....	1	3	1	5	7	3	8	11	11	40	2	3	6	1	4	16
Port Jervis Justice of the Peace	.....	.....	.....	.....	1	1	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Poughkeepsie City	1	2	1	.....	6	10	1	2	.....	.....	4	7	23	17	8	14	19	81	2	13	.....	6	1	22
Rochester Police	105	109	130	.....	.....	344	.....	6	2	.....	.....	8	265	187	206	195	201	1,054	34	29	57	39	54	213
Rome City	3	37	23	9	5	77	.....	1	2	1	1	5	.....	2	16	38	25	81	.....	2	.....	5	2	9
Schenectady Police	155	108	81	62	87	493	6	1	....	8	5	20	.....	6	1	2	6	15	.....	.....	.....	2	2	4
Syracuse Special Sessions	79	88	56	59	71	353	7	11	....	10	25	53	147	152	132	117	150	698	6	11	7	21	34	79
Tonawanda City	.....	.....	.....	.....	.....	.....	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	1	1	.....	.....	.....	.....	1	1
Troy Police	150	77	72	62	88	449	10	5	10	2	1	28	26	11	13	7	3	60	.....	2	3	1	.....	6
Utica City	97	58	57	86	69	367	5	10	8	5	14	42	75	45	55	107	97	379	12	10	27	20	18	87
Watertown City	6	5	14	7	7	39	9	6	4	4	5	28	3	.....	5	8	16	32	.....	.....	4	2	3	9
Watervliet Recorder's	21	26	10	22	5	84	.....	1	....	.....	.....	1	3	8	4	1	.....	16	1	.....	.....	.....	.....	1
Yonkers Special Sessions	109	51	83	80	143	466	5	4	1	3	12	25	2	18	39	42	59	160	2	3	1	2	.....	8
Total for cities	2,002	1,845	2,021	2,047	4,233	12,148	162	164	169	424	624	1,543	3,543	4,294	4,208	5,527	7,478	25,050	1,977	1,175	934	1,163	1,810	7,059
IN TOWNS AND VILLAGES.																								
Towns in Albany County	.....	.....	.....	.....	12	12	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	5	5	.....	.....	.....	.....	.....	.....
" Cayuga "	.....	.....	.....	.....	1	1	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
" Chemung "	.....	.....	.....	4	1	5	.....	.....	....	.....	.....	.....	.....	.....	.....	1	.....	1	.....	.....	.....	.....	1	1
" Clinton "	.....	.....	.....	.....	3	3	.....	.....	....	.....	1	1	.....	.....	4	5	3	12	.....	.....	.....	1	.....	1
" Cortland "	.....	.....	.....	.....	.....	.....	.....	.....	....	.....	1	1	.....	.....	.....	.....	2	2	.....	.....	.....	.....	1	1
" Erie "	.....	.....	.....	1	1	2	.....	.....	....	.....	.....	.....	.....	.....	.....	2	1	3	.....	.....	.....	.....	.....	.....
" Fulton "	.....	.....	.....	.....	2	2	.....	.....	....	.....	.....	.....	.....	.....	.....	1	1	2	.....	.....	.....	.....	.....	.....
" Genesee "	.....	.....	.....	.....	.....	.....	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	5	5	.....	.....	.....	.....	.....	.....
" Monroe "	.....	.....	2	.....	.....	2	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
" Montgomery "	.....	.....	.....	.....	.....	.....	.....	.....	....	.....	.....	.....	.....	.....	.....	1	1	2	.....	.....	.....	.....	.....	.....
" Nassau "	.....	.....	.....	.....	.....	.....	.....	.....	....	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
" Niagara "	.....	.....	.....	2	1	3	.....	.....	....	.....	.....	.....	.....	.....	.....	2	3	5	.....	.....	.....	.....	.....	.....
" Oneida "	.....	.....	.....	7	9	16	.....	.....	1	.....	1	2	.....	.....	25	49	43	117	.....	.....	4	2	7	13
" Orange "	.....	.....	.....	.....	3	3	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1
" Rensselaer "	.....	.....	.....	.....	.....	.....	.....	.....	....	.....	.....	.....	.....	.....	.....	1	.....	1	.....	.....	.....	.....	.....	.....
" Rockland "	.....	.....	.....	.....	.....	.....	.....	2	....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	1
" Saratoga "	.....	.....	.....	6	13	19	.....	.....	....	.....	.....	.....	.....	.....	.....	7	7	14	.....	.....	.....	2	2	4
" Schenectady "	.....	.....	.....	26	9	35	.....	.....	....	.....	.....	.....	.....	.....	.....	2	1	3	.....	.....	.....	.....	.....	.....
" Suffolk "	.....	.....	.....	1	.....	1	.....	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1
" Tioga "	.....	.....	.....	.....	.....	.....	.....	.....	....	.....	1	1	.....	.....	.....	.....	2	2	.....	.....	.....	.....	.....	.....
" Warren "	.....	.....	.....	.....	.....	.....	.....	.....	....	1	.....	1	.....	.....	.....	2	1	3	.....	.....	.....	.....	.....	.....
" Yates "	.....	.....	.....	.....	.....	.....	.....	.....	....	.....	.....	.....	.....	.....	.....	1	1	2	.....	.....	.....	.....	.....	.....

Digitized by Google

TABLE 1.—NUMBER OF PERSONS PLACED ON PROBATION, ARRANGED BY PLACES—(*Continued*).

COURTS	BOYS						GIRLS						MEN						WOMEN					
	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total
Villages.																								
Albion				8		8										2		2						
Ausable Forks													1	1				2		1				1
Ballston Spa															1			1						
Batavia		9	9	7	3	28			3	2	2	7				1		1						
Bemus Point									1			1												
Carmen	1					1																		
Chasm Falls														1				1						
Corinth		10	5			15		3	3			6		14	4			18		2				2
Fairport															3			3						
Fishkill Landing			3			3		2	2			4												
Gorham			2			2																		
Hastings-on-Hudson			10			10								1	1			2		1	1			2
Haverstraw				10	8	18					2	2				20	6	26				7	6	13
Hobart									1			1												
Malone			2		2	4									3			3						
Mechanicville														3				3						
Newark																1		1						
Norwich				4	2	6										9	32	41				1	1	2
Oakfield															2			2						
Owego	1					1							1					1						
Peekskill								1				1												
Penn Yan													1	1	3			5	1	1				2
Port Chester		1	5			6																		
Potter			1			1																		
Rotterdam		2	7			9			1			1												
St. Johnsville			1			1									2			2						
Saratoga Springs	14	18	9	18	14	73		2				2	37	65	61	60	54	277		8	1	2	3	14
Schuyler Falls													1					1						
Scotia			5			5																		
Solvay					1	1											1	1						
Stafford															1			1						
Wellsville														1				1						
Total for towns and villages	16	40	61	94	85	296		10	12	4	8	34	41	87	110	167	169	574	1	14	6	15	23	59

Digitized by Google

| SUPREME AND COUNTY COURTS. | | |

TABLE 1.—NUMBER OF PERSONS PLACED ON PROBATION, ARRANGED BY PLACES—(*Concluded*).

COURTS	BOYS						GIRLS						MEN						WOMEN					
	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total
SUPREME AND COUNTY COURTS—(*Continued*)																								
In Ulster County															5			5						
" Warren "		1				1							3	8	4	9	3	27						
" Washington "																	2	2						
" Wayne "															2		3	5						
" Westchester "														3	21	16	20	60					3	3
" Wyoming "															1	5	4	10						
Total for Supreme and county courts	8	5	2	46	125	186	....	1	1	7	16	25	971	1,312	1,631	1,117	1,022	5,453	41	59	69	58	67	294
Grand total	2,026	1,890	2,084	2,187	4,443	12,630	162	175	182	435	648	1,602	4,555	5,693	5,349	6,811	8,669	31,077	2,019	1,248	1,009	1,236	1,900	7,412

The total number of persons placed on probation during the period extending from January 1, 1908, to December 31, 1912, was	52,721
Of this number the boys constituted	23.9%
Of this number the girls constituted	3.5%
Of this number the men constituted	58.9%
Of this number the women constituted	14.0%

Digitized by Google

TABLE 2a.—CHARGES IN CASES OF BOYS PLACED ON PROBATION.

CHARGES	1908	1909	1910	1911	1912	Total
Assault	.....	38	62	73	181	354
Burglary or robbery	230	185	233	279	442	1,369
Disorderly or ungovernable child	276	232	266	328	583	1,685
Improper guardianship	29	31	34	117	633	844
Larceny and similar offenses	733	706	757	659	1,209	4,064
Malicious mischief	214	223	218	234	684	1,573
Truancy	306	340	373	307	254	1,580
Violations of local ordinances	80	.....	.....	.....	34	114
Other and unstated charges	158	135	141	190	423	1,047
Total	2,026	1,890	2,084	2,187	4,443	12,630

TABLE 2b.—CHARGES IN CASES OF GIRLS PLACED ON PROBATION.

CHARGES	1908	1909	1910	1911	1912	Total
Assault	.....	1	5	3	9	18
Burglary or robbery	.....	8	1	.....	11	20
Disorderly or ungovernable child	16	47	51	114	137	365
Improper guardianship	13	41	32	128	307	521
Larceny and similar offenses	34	33	29	52	32	180
Malicious mischief	65	6	5	.....	8	84
Truancy	24	37	51	39	46	197
Violations of local ordinances	3	.....	.....	.....	3	6
Other and unstated charges	7	2	8	99	95	211
Total	162	175	182	435	648	1,602

TABLE 2c.—OFFENSES IN CASES OF MEN PLACED ON PROBATION.

OFFENSES	1908	1909	1910	1911	1912	Total
Misdemeanors						
Assault, third degree	155	193	354	419	415	1,536
Disorderly conduct	1,111	1,426	1,063	1,419	2,596	7,615
Non-support	639	873	1,189	1,761	2,094	6,556
Petit larceny	1,166	933	1,078	1,214	1,196	5,587
Public intoxication	344	616	495	634	920	3,009
Tramp or vagrancy	236	.....	.....	.....	.....	236
Violation of local ordinances	78	.....	.....	.....	234	312
Other and unstated misdemeanors	112	545	418	573	481	2,129
Felonies						
Assault	56	35	37	78	62	268
Burglary	114	126	156	181	187	764
Forgery	.....	45	41	37	33	156
Grand larceny	.....	210	238	268	205	921
Other and unstated felonies	544	691	280	227	246	1,988
Total	4,555	5,693	5,349	6,811	8,669	31,077

Digitized by Google

TABLE 2d.—OFFENSES IN CASES OF WOMEN PLACED ON PROBATION.

OFFENSES	1908	1909	1910	1911	1912	Total
Misdemeanors						
Assault, third degree	77	8	8	20	20	133
Disorderly conduct	410	209	201	268	376	1,464
Petit larceny	157	171	136	150	172	786
Prostitution, etc	418	310	241	364	727	2,060
Public intoxication	582	323	255	279	421	1,860
Violation of local ordinances	36	.....	.....	.....	35	71
Non-support	40	.....	.....	.....	2	42
Other misdemeanors	282	181	121	123	107	814
Felonies						
Assault	3	1	1	3	1	9
Burglary	2	1	.....	.....	.....	3
Forgery	.....	1	.....	.....	2	3
Grand larceny	.....	9	10	24	20	63
Other felonies	12	34	36	5	17	104
Total	2,019	1,248	1,009	1,236	1,900	7,412

TABLE 3a.—ESTIMATED RESULTS IN CASES OF BOYS PASSED FROM PROBATION.

ESTIMATED RESULTS	1908	1909	1910	1911	1912	Total	Per cent
Discharged with improvement	1,424	1,371	1,357	1,735	2,853	8,740	76.1
Discharged without improvement	52	55	81	59	72	319	2.8
Re-arrested and committed	284	280	311	350	609	1,834	16.0
Removed with permission	25	21	32	33	27	138	1.2
Absconded or lost	14	16	18	21	7	76	.7
Other and unstated results	112	33	47	3	176	371	3.2
Total	1,911	1,776	1,846	2,201	3,744	11,478	.....

TABLE 3b.—ESTIMATED RESULTS IN CASES OF GIRLS PASSED FROM PROBATION.

ESTIMATED RESULTS	1908	1909	1910	1911	1912	Total	Per cent
Discharged with improvement	132	103	106	297	504	1,142	78.4
Discharged without improvement	1	5	5	5	12	28	1.9
Re-arrested and committed	23	28	23	47	93	214	14.7
Removed with permission	.....	5	4	6	5	20	1.4
Absconded or lost	.....	.....	3	4	3	10	.7
Other and unstated results	8	3	3	.....	28	42	2.9
Total	164	144	144	359	645	1,456	.....

Digitized by Google

TABLE 3c.—ESTIMATED RESULTS IN CASES OF MEN PASSED FROM PROBATION.

ESTIMATED RESULTS	1908	1909	1910	1911	1912	Total	Per cent
Discharged with improvement	2,133	3,299	3,074	3,880	5,706	18,092	72.7
Discharged without improvement	101	123	168	174	487	1,053	4.2
Re-arrested and committed	293	335	374	477	725	2,204	8.9
Removed with permission	43	49	82	60	65	299	1.2
Absconded or lost	159	234	267	295	321	1,276	5.1
Other and unstated results	494	655	568	90	159	1,966	7.9
Total	3,223	4,695	4,533	4,976	7,463	24,890	.....

TABLE 3d.—ESTIMATED RESULTS IN CASES OF WOMEN PASSED FROM PROBATION.

ESTIMATED RESULTS	1908	1909	1910	1911	1912	Total	Per cent
Discharged with improvement	1,283	703	555	758	1,237	4,536	67.3
Discharged without improvement	92	28	58	35	89	302	4.5
Re-arrested and committed	271	79	99	137	235	821	12.2
Removed with permission	86	28	11	6	14	145	2.1
Absconded or lost	165	72	107	61	112	517	7.7
Other and unstated results	81	184	95	25	32	417	6.2
Total	1,978	1,094	925	1,022	1,719	6,738	.....

Total number of persons discharged with improvement	32,510=73.0%
Total number of persons discharged without improvement	1,702= 3.8
Total number of persons re-arrested and committed	5,073=11.4
Total number of persons removed with permission	602= 1.3
Total number of persons absconded or lost	1,879= 4.2
Total number of persons discharged with other and unstated results	2,796= 6.3
Grand total number passed from probation	44,562

Digitized by Google

TABLE 4.—INVESTIGATIONS BY PROBATION OFFICERS, ARRANGED BY PLACES.

COURTS	BOYS						GIRLS						MEN						WOMEN					
	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total
IN CITIES.																								
Albany Police										2	16	18										184	401	585
Amsterdam Recorder's					1	1								1				1						
Auburn Recorder's		14	45	39	23	121				11	7	18		4	37	40	19	100			7	7	2	16
Binghamton City													2					2					5	5
Buffalo Children's	290	851	1,311	1,010	1,208	4,670	18	44	104	91	136	393					4	4					6	6
Buffalo Morning													87	194				281	13	32				45
Buffalo City														286	2,349	2,158	2,238	7,031		66	248	43	229	586
Gloversville Recorder's	54	2			3	59	9	2				11	30	5	1			36	1	1				2
Ithaca City																	7	7						
Johnstown Recorder's													1					1						
Kingston Recorder's				3		3										2	1	3				1		1
Lackawanna City					5	5										3	12	15					5	5
Middletown Recorder's				1		1					1	1												
Mount Vernon City			2	10	19	31				5	4	9			3	5	20	28			1	5	6	12
Newburgh Recorder's	1		2			3			2	2		4				1		1			2			2
New Rochelle Special Sessions	1					1																		
New York City Board of Magistrates, First Division	2					2	1					1	1,122	1,422	1,182	367	513	4,606	1,289	2,066	2,337	1,161	1,485	8,338
New York City Board of Magistrates, Second Division	92	58	129			279	98	55	31			184	666	628	695	1,110	1,691	4,790	2,196	2,642	1,551	1,166	1,329	8,884
New York City Special Sessions, Manhattan and the Bronx													1,073	1,533	1,607	1,752	1,470	7,435	190	241	199	250	230	1,110
New York City Special Sessions, Brooklyn, Queens and Richmond	15	32	18			65	12					12	371	495	306	717	734	2,623	41	72	64	107	95	379
New York City Children's, New York County				269	2,383	2,652				469	439	908												
New York City Children's, Kings, Queens and Richmond Counties	621	694	566	137	326	2,344	53	80	115	43	51	342												
Niagara Falls Police		1	3	4	3	11			3	2	2	7			5	6	1	12			2	2	2	6

Digitized by Google

Plattsburg City	8	14				22							34	18				52	2	5				7
Rochester Police	146	213	261			620			4			4	282	344	391	158	179	1,354	96	446	517	404	667	2,130
Rome City			2			2									15	35	25	75				3		3
Schenectady Police	125	37				162								4				4						
Syracuse Special Sessions	103	114	5	65	109	396	15	10		56	125	206	77	79	8	50	93	307	9	6		45	110	170
Utica City	1	2	33	47	25	108			3		3	6	2	1	31	44	30	108			7	2	6	15
Watertown City	1	6	5	3	1	16	4	6	3	7		20				1	10	11			5	3		8
Yonkers Special Sessions		30	71	67	62	230	1	5		1		7	2	11	44	63	96	216	1	4	5	3	2	15
Total for cities	1,460	2,068	2,453	1,654	4,169	11,804	211	202	265	689	784	2,151	3,749	5,025	6,674	6,512	7,143	29,103	3,838	5,581	4,945	3,386	4,580	22,330
IN TOWNS AND VILLAGES.																								
Towns in Albany County					8	8											2	2						
" Chemung "					1	1											1	1						
" Clinton "														2			2	4		11				11
" Cortland "											1	1												
" Delaware "										1		1												
" Erie "					1	1									7	2		9						
" Monroe "					7	7																		
" Montgomery "																	1	1						
" Niagara "					1	1											5	5						
" Oneida "				7	9	16									20	46	43	109			2	2	6	10
" Orange "																	1	1					1	1
" Saratoga "					4	4											3	3						
" Schenectady "					5	5											1	1						
" Warren "																	1	1						
" Westchester "																	1	1				1		1
" Yates "																	1	1						
Villages.																								
Blackbrook													1					1						
Corinth		3				3														1				1
Fishkill Landing		4				4		1				1												
Haverstraw					2	2					1	1					3	3					1	1
Norwich					1	1											17	17					1	1
Rotterdam Junction		1				1																		
Saratoga Springs	3	4	5	1	7	20		3				3	4	14	10	2	42	72		1			3	4
Solvay					1	1											1	1						
Total for towns and villages	3	12	5	8	47	75		4		1	2	7	5	16	37	50	125	233		13	2	3	12	30
SUPREME AND COUNTY COURTS.																								
In Albany County																	16	16					1	1
" Broome "																	1	1						
" Cayuga "															1	2	1	4			1			1
" Chautauqua "																1	3	4						

Digitized by Google

TABLE 4.—INVESTIGATIONS BY PROBATION OFFICERS, ARRANGED BY PLACES—(*Concluded*).

COURTS	BOYS						GIRLS						MEN						WOMEN					
	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	9112	Total	1908	1909	1910	1911	1912	Total
SUPREME AND COUNTY COURTS — (*Continued*).																								
In Chenango County														2			1	3						
" Clinton "																	1	1						
" Cortland "																	1	1						
" Erie "														137	406	358	244	1,145			5	8	5	18
" Essex "													3					3	1					1
" Franklin "																	1	1						
" Fulton "																	2	2						
" Genesee "													1				1	2						
" Kings "														1,000				1,000						
" Livingston "																	2	2						
" Madison "																	1	1						
" Monroe " (Children's part)				145	101	246				40	21	61												
" Monroe "														30	107	16	11	164					1	1
" Montgomery "																	2	2						
" Nassau "													2	1	5			8						
" New York "													2,039	2,686	2,107	2,571	1,008	10,411	52	117	55	100	99	423
" Niagara "																	1	1						
" Oneida "															59	38	25	122				3	1	4
" Onondaga "													30	34	41	35	38	178						
" Ontario "																1	1	2						
" Oswego "															2		12	14					7	7
" Otsego "														2			1	3					1	1
" Queens "																19	8	27					1	1
" Rensselaer "																	10	10					1	1
" Rockland "	1					1	4					4												
" St. Lawrence "																	1	1						
" Saratoga "					5	5								5	1		4	10						
" Schuyler "	1					1																		
" Suffolk "																3		3						

Digitized by Google

" Warren "												1				3	4							
" Wayne "																2	2							
" Westchester "																6	6							
" Wyoming "																2	2							
Total for Supreme and county courts	2			145	106	253	4			40	21	65	2,076	3,897	2,729	3,044	1,410	13,156	53	117	61	111	117	459
Grand total	1,465	2,080	2,458	1,807	4,322	12,132	215	206	265	730	807	2,223	5,830	8,938	9,440	9,606	8,678	42,492	3,891	5,711	5,008	3,500	4,709	22,819

The total number of cases investigated by probation officers during the period extending from March 1, 1908 to Dec. 31, 1912 was	79,666
Of this number, investigations in cases of boys constituted	15.2%
Of this number, investigations in cases of girls constituted	52.7%
Of this number, investigations in cases of men constituted	53.3%
Of this number, investigations in cases of women constituted	28.6%

Digitized by Google

TABLE 5.—COLLECTIONS BY PROBATION

COURTS.	FAMILY SUPPORT				
	1909	1910	1911	1912	Total
IN CITIES.					
Amsterdam Recorder's			$22 25	$519 21	$541 46
Auburn Recorder's	$318 77	$2,305 45	1,878 42	4,325 66	8,828 29
Binghamton City					
Buffalo Children's					
Buffalo Morning	1,741 90	13,262 78			15,004 68
Buffalo City			14,757 36	21,603 74	36,361 10
Cortland City			32 00	713 87	745 87
Elmira Recorder's			5 00	51 00	56 00
Fulton Police					
Gloversville Recorder's	51 00	9 00		404 76	464 76
Ithaca City			81 00	63 50	144 50
Johnstown Recorder's	141 00				141 00
Lackawanna City				238 74	238 74
Mount Vernon City	22 00	46 00	263 22	749 73	1,080 95
Newburgh Recorder's					
New York City Board of Magistrates, First Division	923 20	245 00	265 00		1,433 20
New York City Board of Magistrates, Second Division	4,817 07	13,339 07	44,121 69	23,875 77	86,153 60
New York City Special Sessions, Manhattan and the Bronx					
New York City Special Sessions, Brooklyn, Queens and Richmond					
New York City Children's: New York County, Kings, Queens, and Richmond Counties					
Niagara Falls Police		36 00		154 00	190 00
Oswego Recorder's			4 00		4 00
Plattsburg City			584 51	830 61	1,415 12
Rochester Police	5,595 33	4,738 38	3,970 69	4,602 53	18,906 93
Rome City		34 00	1,054 00	1,941 50	3,029 50
Schenectady Police					
Syracuse Special Sessions	136 07		6,822 26	10,615 54	17,573 87
Troy Police					
Utica City	74 00	489 75	932 20	375 00	1,870 95
Watertown City				128 00	128 00
Yonkers Special Sessions	123 00	609 00	993 00	5,197 75	6,922 75
Total for cities	$13,943 34	$35,114 43	$75,786 60	$76,390 90	$201,235 27
TOWNS AND VILLAGES.					
Towns in Clinton County			$6 00		$6 00
" Erie "				$125 90	125 90
" Niagara "					
" Oneida "		$134 78	994 00	1,145 50	2,274 28
" Saratoga "				10 00	10 00
Villages.					
Batavia					
Booneville					
Corinth	$267 63	5 00			272 63
Oakfield					
Saratoga Springs		21 00	10 00		31 00
Total for towns and villages	$267 63	$160 78	$1,100 00	$1,281 40	$2,809 81
SUPREME AND COUNTY COURTS.					
In Albany County					
" Cattaraugus "					
" Chautauqua "					
" Chemung "					
" Chenango "					
" Cortland "				$25 00	$25 00
" Delaware "					
" Erie "	$568 69	$4,380 09	$5,878 21	6,822 30	17,649 29
" Genesee "					
" Jefferson "				35 00	35 00
" Lewis "					
" Monroe " (Children's Part)					
" Monroe "	80 00			29 00	109 00
" Montgomery "					

Digitized by Google

OFFICERS, ARRANGED BY PLACES.

FINES					RESTITUTION AND REPARATION				
1909	1910	1911	1912	Total	1909	1910	1911	1912	Total
.....	.....	$43 50	$88 00	$131 50	.....	.....	.....	$60 59	$60 59
.....	$25 00	71 00	.....	96 00	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	$11 00	.....	.....	11 00
.....	.....	.....	125 00	125 00	$96 50	.....	.....	477 70	574 20
$642 75	979 25	.....	.....	1,622 00	109 94	2,789 72	.....	.....	2,899 66
.....	.....	2,569 75	6,822 42	9,392 17	.....	.....	$2,905 12	2,718 76	5,623 88
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	5 00	.....	.....	5 00	.....	.....	.....	.....	.....
20 00	.....	.....	.....	20 00	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
5 00	.....	.....	.....	5 00	.....	.....	.....	.....	.....
.....	.....	.....	9 00	9 00	.....	.....	.....	92 23	92 23
.....	.....	50 00	67 90	117 90	.....	.....	21 99	27 10	49 09
.....	.....	.....	.....	.....	.....	7 92	.....	.....	7 92
32 00	32 00	.....	.....	64 00	.....	.....	88 60	1 00	89 60
24 00	268 00	25 00	17 00	334 00	56 35	95 50	158 00	350 00	659 85
5 00	.....	.....	.....	5 00	.....	.....	162 00	195 65	357 65
.....	.....	.....	.....	.....	2 00	10 00	60 88	37 28	110 16
.....	.....	.....	1 00	1 00	.....	.....	.....	76 25	76 25
.....	.....	10 00	2 00	12 00	.....	24 50	3 50	25 00	53 00
.....	5 00	87 00	.....	92 00	.....	.....	.....	24 00	24 00
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	21 75	21 70	109 82	313 86	467 13
.....	15 00	143 50	25 00	183 50	.....	61 00	85 50	56 35	202 85
.....	.....	.....	.....	.....	.....	.....	.....	7 00	7 00
.....	.....	78 55	164 50	243 05	.....	.....	94 79	215 00	309 79
.....	.....	.....	.....	.....	.....	.....	7 00	.....	7 00
.....	13 50	49 75	32 50	95 75	14 70	55 74	99 08	94 40	263 92
.....	42 50	39 00	74 75	156 25	.....	.....	.....	36 47	36 47
18 00	26 75	45 00	15 00	104 75	13 00	62 75	41 82	220 75	337 52
$746 75	$1,412 00	$3,212 05	$7,443 77	$12,814 57	$314 24	$3,139 83	$3,837 30	$5,029 39	$12,320 76
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	$23 00	$6 00	$29 00	.....	.....	$5 00	$5 00	$10 00
.....	.....	138 50	85 20	223 70	.....	.....	45 70	117 95	163 65
.....	.....	.....	.....	.....	.....	.....	6 00	15 00	21 00
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	4 00	4 00
.....	$67 06	.....	.....	67 06	.....	.....	.....	.....	.....
.....	4 00	.....	.....	4 00	.....	.....	.....	.....	.....
.....	10 00	.....	.....	10 00	.....	.....	.....	.....	.....
.....	3 00	5 00	.....	8 00	$15 00	.....	.....	.....	15 00
.....	$84 06	$166 50	$91 20	$341 76	$15 00	.....	$56 70	$141 95	$213 65
.....	.....	.....	.....	.....	.....	.....	.....	$25 00	$25 00
.....	.....	.....	$110 00	$110 00	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	$20 00	.....	.....	20 00
.....	.....	.....	.....	.....	.....	.....	$25 00	65 00	90 00
$58 00	$37 00	.....	.....	95 00	.....	22 00	.....	.....	22 00
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	2 00	.....	2 00
.....	50 00	$106 00	399 00	555 00	$1,135 65	1,541 11	4,891 26	3,213 46	10,781 42
.....	.....	.....	.....	.....	.....	.....	.....	27 00	27 00
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	40 00	70 00	110 00
.....	.....	.....	.....	.....	.....	.....	.....	41 66	41 66
.....	.....	.....	.....	.....	234 56	53 00	60 80	233 66	582 02
.....	.....	.....	.....	.....	.....	.....	5 50	.....	5 50

Digitized by Google

TABLE 5.—COLLECTIONS BY PROBATION OFFICERS,

COURTS	FAMILY SUPPORT				
	1909	1910	1911	1912	Total
SUPREME AND COUNTY COURTS—(*Continued*).					
In Nassau County					
" New York "	$128 00	$603 00	$1,460 00	$968 00	$3,159 00
" Oneida "				50 00	50 00
" Oswego "					
" Queens "			100 00	15 00	115 00
" Rensselaer "				10 00	10 00
" St. Lawrence "					
" Warren "		120 00			120 00
" Wyoming "					
Total for Supreme and county courts	$776 69	$5,103 09	$7,438 21	$7,954 30	$21,272 29
Grand total	$14,987 66	$40,378 30	$84,324 81	$85,626 60	$225,317 37

Digitized by Google

ARRANGED BY PLACES—(*Concluded*).

FINES					RESTITUTION AND REPARATION				
1909	1910	1911	1912	Total	1909	1910	1911	1912	Total
.....	.....	.....	.....	.....	$10 00	$40 00	.....	.....	$50 00
.....	.....	.....	$100 00	$100 00	61 00	669 00	$725 65	$3,286 75	4,742 40
.....	.....	.....	.....	.....	.....	5 50	170 25	137 00	312 75
.....	.....	.....	8 00	8 00	.....	.....	.....	74 00	74 00
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	209 50	108 00	317 50
$10 00	.....	.....	.....	10 00	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	$350 00	.....	350 00	.....	.....	175 00	.....	175 00
$68 00	$87 00	$456 00	$617 00	$1,228 00	$1,441 21	$2,350 61	$6,304 90	$7,281 53	$17,378 25
$814 75	$1,583 06	$3,834 55	$8,151 97	$14,384 33	$1,770 45	$5,490 44	$10,198 90	$12,452 87	$29,912 66

Digitized by Google

TABLE 6.—PROBATION OFFICERS.

COURTS	NUMBER HOLDING APPOINTMENTS						PUBLICLY SALARIED						PRIVATELY SALARIED AND VOLUNTEERS					
	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total
IN CITIES.																		
Albany Police	3	3	3	4	4	17	.....	.....	.....	1	1	2	3	3	3	3	3	15
Albany Special Sessions	.....	.....	.....	1	1	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1	2
Amsterdam Recorder's	1	1	1	1	1	5	1	1	1	1	1	5	.....	.....	.....	.....	.....	.....
Auburn Recorder's	.....	1	1	1	1	4	.....	1	1	1	1	4	.....	.....	.....	.....	.....	.....
Binghamton City	1	1	1	1	1	5	.....	.....	.....	.....	.....	.....	1	1	1	1	1	5
Buffalo Children's*	62	53	.....	.....	98	213	2	2	.....	.....	3	7	60	51	.....	.....	95	206
Buffalo Morning	7	32	.....	.....	.....	39	1	1	.....	.....	.....	2	6	31	.....	.....	.....	37
Buffalo City	1	3	195	169	24	392	1	1	6	6	6	20	.....	2	189	163	18	372
Cohoes Recorder's	1	1	1	2	1	6	.....	.....	.....	.....	.....	.....	1	1	1	2	1	6
Corning City	1	3	2	.....	4	10	.....	.....	.....	.....	.....	.....	1	3	2	.....	4	10
Cortland City	.....	.....	.....	1	1	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1	2
Dunkirk Municipal	.....	.....	.....	3	4	7	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	4	7
Elmira Recorder's	5	4	4	4	4	21	.....	.....	.....	.....	.....	.....	5	4	4	4	4	21
Gloversville Recorder's	2	2	2	2	2	10	.....	.....	.....	.....	.....	.....	2	2	2	2	2	10
Hudson City	1	1	1	1	1	5	.....	.....	.....	.....	.....	.....	1	1	1	1	1	5
Ithaca City	.....	.....	1	1	1	3	.....	.....	1	1	1	3	.....	.....	.....	.....	.....	.....
Jamestown Police	.....	3	4	5	5	17	.....	.....	.....	.....	.....	.....	.....	3	4	5	5	17
Johnstown Recorder's	2	1	1	1	1	6	1	1	1	1	1	5	1	.....	.....	.....	.....	1
Kingston Recorder's	.....	.....	.....	1	1	2	.....	.....	.....	1	1	2	.....	.....	.....	.....	.....	.....
Lackawanna City	.....	.....	.....	.....	1	1	.....	.....	.....	.....	1	1	.....	.....	.....	.....	.....	.....
Middletown Recorder's	1	1	1	1	1	5	.....	.....	.....	.....	.....	.....	1	1	1	1	1	5
Mount Vernon City	1	1	1	1	1	5	1	1	1	1	1	5	.....	.....	.....	.....	.....	.....
Newburgh Recorder's	1	2	1	1	1	6	.....	.....	.....	.....	.....	.....	1	2	1	1	1	6
New Rochelle Special Sessions	1	1	1	.....	.....	3	.....	.....	.....	.....	.....	.....	1	1	1	.....	.....	3
New York City Board of Magistrates, First Division	27	24	10	20	21	102	24	21	7	20	21	93	3	3	3	.....	.....	9
New York City Board of Magistrates, Second Division	29	31	21	29	29	139	28	29	20	29	29	135	1	2	1	.....	.....	4
New York City Special Sessions, Manhattan and the Bronx †	7	6	8	21	37	79	6	6	8	14	32	66	1	.....	.....	7	5	13
New York City Special Sessions, Brooklyn, Queens and Richmond	3	3	4	.....	.....	10	2	2	3	.....	.....	7	1	1	1	.....	.....	3
New York City Children's, Kings, Queens and Richmond Counties	3	3	3	.....	.....	9	.....	.....	.....	.....	.....	.....	3	3	3	.....	.....	9
Niagara Falls Police	1	8	12	10	8	39	.....	.....	.....	.....	.....	.....	1	8	12	10	8	39
North Tonawanda City	.....	.....	1	1	1	3	.....	.....	.....	.....	.....	.....	.....	.....	1	1	1	3
Ogdensburg Recorder's	1	1	1	.....	.....	3	.....	.....	.....	.....	.....	.....	1	1	1	.....	.....	3
Oneonta City	.....	.....	1	.....	1	2	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	1	2
Oswego Recorder's	1	1	1	2	2	7	.....	.....	.....	.....	.....	.....	1	1	1	2	2	7

Digitized by Google

Plattsburg City	2	2	2	2	2	10							2	2	2	2	2	10
Port Jervis Justice of the Peace					1	1											1	1
Poughkeepsie City	2	2	2	2	2	10					1	1	2	2	2	2	1	9
Rensselaer City	1	1	1	2	2	7							1	1	1	2	2	7
Rochester Police	37	37	47	3	2	126	2	3	3	2	2	12	35	34	44	1		114
Rome City	2	1	1	2	1	7							2	1	1	2	1	7
Schenectady Police	1	1	1	1	1	5							1	1	1	1	1	5
Syracuse Special Sessions	99	102	101	110	54	466	1	1	1	2	2	7	98	101	100	108	52	459
Tonawanda City					1	1											1	1
Troy Police	2	2	2	2	2	10							2	2	2	2	2	10
Utica City	1	3	2	2	2	10	1	1	1	2	2	7		2	1			3
Watertown City	2	2	2	2	2	10	2	2	2	2	2	10						
Watervliet Recorder's	1	2	2	2	2	9							1	2	2	2	2	9
Yonkers Special Sessions	25	24	26	24	10	109	1	1	1	2	2	7	24	23	25	22	8	102
Total for cities	338	370	472	438	342	1,960	74	74	57	86	110	401	264	296	415	352	232	1,559

* During the years of 1910 and 1911 the number of probation officers serving in Buffalo Children's Court was combined with the number serving in Buffalo City Court

† The figures showing the number of probation officers serving in Special Sessions of New York City for the years of 1911 and 1912 include those officers serving in Children's Parts of Special Sessions.

IN VILLAGES																		
Albion				1	1	2										1	1	2
Atwater					1	1											1	1
Ausable Forks	1	1	1	1	1	5							1	1	1	1	1	5
Ballston Spa	1	1	1	1	1	5							1	1	1	1	1	5
Batavia		1	1	1	1	4								1	1	1	1	4
Bemus Point			1	1	1	3									1	1	1	3
Bergen					1	1											1	1
Blackbrook		1				1								1				1
Brunswick	1					1							1					1
Carmen	1					1							1					1
Carthage		2				2								2				2
Chasm Falls		1	1	1	1	4								1	1	1	1	4
Clarendon				1	1	2										1	1	2
Colonie	1	1				2							1	1				2
Corinth				1		1										1		1
Dolgeville					1	1											1	1
Fairport			1	2	1	4									1	2	1	4
Fishkill Landing		1				1								1				1
Green Island			1	1	1	3									1	1	1	3
Hastings-on-Hudson		1	3	3	3	10								1	3	3	3	10
Haverstraw					1	1											1	1
Hobart			1	1	1	3									1	1	1	3
La Salle				1	1	2										1	1	2
Macedon					1	1											1	1

Digitized by Google

TABLE 6.—PROBATION OFFICERS—(*Continued*).

COURTS	NUMBER HOLDING APPOINTMENTS						PUBLICLY SALARIED						PRIVATELY SALARIED AND VOLUNTEERS					
	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total	1908	1909	1910	1911	1912	Total
IN VILLAGES—(*continued*).																		
Malone	.....	.....	2	2	4	8	.....	.....	.....	.....	.....	.....	.....	.....	2	2	4	8
Mechanicville	1	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	1
Newark	.....	.....	.....	1	1	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1	2
Oakfield	.....	1	1	1	1	4	.....	.....	.....	.....	.....	.....	.....	1	1	1	1	4
Owego	1	.....	.....	1	1	3	.....	.....	.....	.....	.....	.....	1	.....	.....	1	1	3
Peekskill	.....	2	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	.....	2
Penn Yan	1	2	1	1	1	6	.....	.....	.....	.....	.....	.....	1	2	1	1	1	6
Port Chester	.....	1	1	1	1	4	.....	.....	.....	.....	.....	.....	.....	1	1	1	1	4
Potter	.....	.....	1	1	1	3	.....	.....	.....	.....	.....	.....	.....	.....	1	1	1	3
Rotterdam	.....	1	1	1	1	4	.....	.....	.....	.....	.....	.....	.....	1	1	1	1	4
Savona	.....	.....	1	1	1	3	.....	.....	.....	.....	.....	.....	.....	.....	1	1	1	3
Scottsville	.....	1	1	1	.....	3	.....	.....	.....	.....	.....	.....	.....	1	1	1	.....	3
St. Johnsville	.....	.....	1	1	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	1	1	.....	2
Saratoga Springs	1	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	1
Schuyler Falls	1	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	1
Solvay	.....	.....	.....	.....	1	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1
Stafford	.....	.....	1	1	1	3	.....	.....	.....	.....	.....	.....	.....	.....	1	1	1	3
Sweden	.....	.....	.....	1	1	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1	2
Victor	1	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	1
Waverly	.....	.....	.....	.....	3	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	3
Wellsville	.....	1	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	1
West Sand Lake	.....	.....	.....	1	1	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1	2
Woodhull	.....	.....	.....	.....	1	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1
Total for villages	11	19	22	31	39	122	.....	.....	.....	.....	.....	.....	11	19	22	31	39	122
SUPREME AND COUNTY COURTS.																		
In Albany County	1	1	1	1	1	5	.....	.....	.....	.....	.....	.....	1	1	1	1	1	5
" Broome "	1	1	1	1	1	5	1	1	1	1	1	5	.....	.....	.....	.....	.....	.....
" Cattaraugus "	.....	.....	.....	.....	2	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	2
" Cayuga "	4	4	5	5	5	23	.....	.....	.....	.....	.....	.....	4	4	5	5	5	23
" Chautauqua "	.....	1	3	3	6	13	.....	.....	.....	.....	.....	.....	.....	1	3	3	6	13
" Chemung "	.....	.....	.....	1	1	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1	2
" Chenango "	1	1	1	1	1	5	.....	1	1	1	.....	3	1	.....	.....	.....	1	2
" Clinton "	.....	.....	1	1	1	3	.....	.....	1	1	1	3	.....	.....	.....	.....	.....	.....
" Columbia "	1	1	.....	1	.....	3	.....	.....	.....	.....	.....	.....	1	1	.....	1	.....	3
" Cortland "	.....	.....	.....	2	3	5	.....	.....	.....	.....	1	1	.....	.....	.....	2	2	4
" Delaware "	.....	.....	5	5	5	15	.....	.....	.....	.....	.....	.....	.....	.....	5	5	5	15
" Dutchess "	2	1	3	3	.....	9	.....	.....	.....	.....	.....	.....	2	1	3	3	.....	9

Digitized by Google

" Erie "	.....	.....	1	2	4	5	12	.....	1	2	4	4	11	.....	.....	.....	.....	1	1
" Essex "	.....	1	1	1	1	1	5	.....	1	1	1	1	4	1	.....	.....	.....	.....	.....
" Franklin "	.....	4	8	7	7	11	37	.....	.....	.....	.....	.....	.....	4	8	7	7	11	37
" Fulton "	.....	.....	.....	1	1	1	3	.....	.....	.....	.....	.....	.....	.....	.....	1	1	1	3
" Genesee "	.....	1	4	2	1	1	9	.....	.....	.....	.....	.....	.....	1	4	2	1	1	9
" Greene "	.....	.....	.....	.....	3	3	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	3	6
" Herkimer "	.....	1	.....	.....	1	1	3	.....	.....	.....	.....	.....	.....	1	.....	.....	1	1	3
" Jefferson "	.....	.....	.....	1	1	1	3	.....	.....	.....	.....	1	1	.....	.....	1	1	.....	2
" Kings "	.....	2	2	2	.....	.....	6	2	2	2	.....	.....	6	.....	.....	.....	.....	.....	.....
" Lewis "	.....	.....	.....	.....	1	1	2	.....	.....	.....	.....	1	1	.....	.....	.....	1	.....	1
" Madison "	.....	.....	.....	.....	.....	1	1	.....	.....	.....	.....	1	1	.....	.....	.....	.....	.....	.....
" Monroe "	(Children's Part)	1	1	1	37	46	86	1	1	1	2	2	7	.....	.....	.....	35	44	79
" Montgomery "	.....	1	1	1	.....	1	4	.....	1	1	.....	1	3	1	.....	.....	.....	.....	1
" Nassau "	.....	1	2	4	5	4	16	.....	.....	.....	.....	.....	.....	1	2	4	5	4	16
" New York "	.....	4	5	5	7	8	29	.....	.....	.....	.....	.....	.....	4	5	5	7	8	29
" Oneida "	.....	.....	.....	1	1	1	3	.....	.....	1	1	1	3	.....	.....	.....	.....	.....	.....
" Onondaga "	.....	2	1	1	1	1	6	1	1	1	1	1	5	1	.....	.....	.....	.....	1
" Ontario "	.....	2	2	2	2	2	10	.....	.....	.....	.....	.....	.....	2	2	2	2	2	10
" Orange "	.....	1	2	1	3	2	9	.....	.....	.....	.....	.....	.....	1	2	1	3	2	9
" Oswego "	.....	1	1	1	1	1	5	.....	1	1	1	1	4	1	.....	.....	.....	.....	1
" Otsego "	.....	.....	3	3	4	3	13	.....	2	2	2	1	7	.....	1	1	2	2	6
" Putnam "	.....	.....	.....	.....	1	1	2	.....	.....	.....	1	1	2	.....	.....	.....	.....	.....	.....
" Queens "	.....	.....	.....	.....	.....	1	1	.....	.....	.....	.....	1	1	.....	.....	.....	.....	.....	.....
" Rensselaer "	.....	1	2	1	2	2	8	.....	.....	.....	.....	.....	.....	1	2	1	2	2	8
" Richmond "	.....	.....	1	1	.....	3	5	.....	.....	.....	.....	.....	.....	.....	1	1	.....	3	5
" Rockland "	.....	1	.....	.....	.....	1	2	1	.....	.....	.....	1	2	.....	.....	.....	.....	.....	.....
" St. Lawrence "	.....	1	3	3	2	2	11	.....	.....	.....	.....	.....	.....	1	3	3	2	2	11
" Saratoga "	.....	5	5	7	7	9	33	.....	5	7	7	9	28	5	.....	.....	.....	.....	5
" Schuyler "	.....	1	1	1	1	.....	4	1	1	1	.....	.....	3	.....	.....	.....	1	.....	1
" Seneca "	.....	.....	.....	.....	1	1	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1	2
" Steuben "	.....	.....	.....	.....	1	2	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	2	3
" Suffolk "	.....	1	1	1	1	1	5	1	1	1	1	1	5	.....	.....	.....	.....	.....	.....
" Tompkins "	.....	5	4	4	1	1	15	.....	.....	.....	.....	.....	.....	5	4	4	1	1	15
" Ulster "	.....	.....	.....	1	1	1	3	.....	.....	.....	.....	.....	.....	.....	.....	1	1	1	3
" Warren "	.....	3	2	2	2	1	10	.....	1	1	1	1	4	3	1	1	1	.....	6
" Washington "	.....	.....	.....	.....	.....	1	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	1
" Wayne "	.....	.....	1	2	1	2	6	.....	.....	.....	.....	.....	.....	.....	1	2	1	2	6
" Westchester "	.....	4	3	15	25	30	77	.....	.....	.....	.....	.....	.....	4	3	15	25	30	77
" Wyoming "	.....	.....	.....	1	4	8	13	.....	.....	.....	.....	.....	.....	.....	.....	1	4	8	13
Total for Supreme and county courts		54	67	95	155	188	559	8	20	25	25	32	110	46	47	70	130	156	449
Grand total		403	456	589	624	569	2,641	82	94	82	111	142	511	321	362	507	513	427	2,130

Probation officers salaried by boards of supervisors of counties are authorized to serve in all courts of towns and villages in that county as well as in the Supreme and county courts. For this reason there are no statistics in the foregoing table of probation officers serving in towns.

The division of table 6 headed " Publicly Salaried " includes a very few officers who were detailed from other branches of the public service and were not salaried as probation officers. For exact number of probation officers detailed from other departments, see statistical tables headed " Probation Officers " in the various annual reports of the commission.

Digitized by Google

Digitized by Google

APPENDIX C.

THE SYSTEM OF CRIMINAL AND CHILDREN'S COURTS IN NEW YORK STATE.

[209]

Digitized by Google

3. **Lower Criminal Courts.** In courts of special sessions and police courts in villages and cities, misdemeanants are prosecuted without indictment. Under the various statutes and city charters, certain classes of misdemeanants are entitled to a trial by a jury of six men, if a demand therefor is duly made; otherwise the trial is by the court without a jury. Persons charged with any offense arrested within the jurisdiction of these courts, may be arraigned; if the offense is less than a felony, they are usually tried and sentenced; if the charge be a felony and in some cases of misdemeanors they may be held for the grand jury. (*Criminal Code*, §§ 56–65, *New York City*, §§ 64–67.)

4. **Justices of the Peace.** Every town usually has four justices of the peace who are magistrates and who sit singly as a court of special sessions, having jurisdiction within the town limits.

5. **Village Police Justices.** Certain villages have a police justice who is a magistrate and who sits as a court of special sessions, having jurisdiction within the village limits. (*Criminal Code* § 74.)

6. **Courts of Special Sessions of Cities.** Each city has either a police justice, a recorder, a city judge, a justice of the court of special sessions, or a justice of the peace, who is a magistrate and who sits as a court having criminal jurisdiction within the city limits.

7. **Courts in New York City.**

(*Note:* New York City comprises five counties, which constitute five boroughs as follows:
The county of New York constitutes the borough of Manhattan.
The county of The Bronx constitutes the borough of The Bronx.
The county of Kings constitutes the borough of Brooklyn.
The county of Queens constitutes the borough of Queens.
The county of Richmond constitutes the borough of Richmond.)

The courts in New York City are as follows:

2 Boards of City Magistrates.
1 Court of Special Sessions.
5 Children's Courts.
1 Court of General Sessions, and 4 County Courts.
1 Supreme Court divided into criminal parts.

Digitized by Google

There are two boards of city magistrates. The board having jurisdiction in the boroughs of Manhattan and the Bronx is called the Board of City Magistrates of the First Division and is composed of 19 city magistrates and one chief magistrate; the board having jurisdiction in the boroughs of Brooklyn, Queens and Richmond is called the Board of City Magistrates of the Second Division, and is composed of 16 city magistrates and one chief magistrate. The magistrates rotate among the district courts of their respective boards, each district court being presided over by one magistrate at a time.

The district magistrates courts are those in which all adults charged with any crime or other offense are first arraigned. A magistrates court has final jurisdiction only over violations of city ordinances (including disorderly conduct, public intoxication and vagrancy). A district magistrates court may hold adults charged with misdemeanors for trial in the Court of Special Sessions. A district magistrates court in the county of New York may hold adults charged with felonies for trial in the Court of General Sessions or the Supreme Court of New York County. A district magistrates court in the counties of The Bronx, Kings, Queens or Richmond may hold adults charged with felonies for trial in the County Court or the Supreme Court of such respective county.

The Board of Magistrates of the First Division has, in addition to its regular district courts, a night court for men, a night court for women, and a domestic relations court. The Board of Magistrates of the Second Division has a domestic relations court. The night courts have the same jurisdiction as the other district courts, but the domestic relations courts have jurisdiction only over cases of disorderly persons (that is, persons charged with non-support of family).

The Court of Special Sessions, which has jurisdiction over persons charged with misdemeanors, consists of 14 justices and one chief justice. A separate part of the court sits on certain days in each county for the trial of adult defendants. The court in New York county has an additional part which sits when the calendar there becomes so heavy as to make an additional part necessary.

Digitized by Google

Each part of this court, devoted to the trial of adults, is presided over by three justices sitting together.

There is a children's court in each of the five counties. Each children's court is presided over by a justice of the Court of Special Sessions sitting alone.

The Court of General Sessions of New York County is the equivalent of a county court in other counties. It has 7 judges, and usually has three or four parts in session at a time, each part being presided over by one judge sitting alone.

The counties of The Bronx, Kings, Queens and Richmond each have a county court. Kings county has two county judges, and each of the other counties has one county judge.

The Supreme court has a criminal division in New York County. The Supreme court also holds criminal terms in the other counties. Each term of the Supreme court is presided over by one justice.

8. **Children's Courts.** All cases of children must be heard at a different time from the trials of adults, and so far as practicable in a different room. Any session devoted to children's cases is known as the children's court. Except in Monroe and Ontario Counties, and in cases of murder, all cases of children are heard by a magistrate of a court of special sessions. Buffalo has an entirely separate and distinct children's court, which is the only court in the State presided over by a judge devoting his time exclusively to cases of children. In New York City, Syracuse and Yonkers it is provided, under special enactment that the Court of Special Sessions which tries cases of adults shall have a special part known as the Children's Court. In Monroe County, including the City of Rochester, all children's cases are heard in a separate part of the County Court. In Ontario County all children's cases are heard in a separate part of the County Court.

Legislation enacted in the last few years has modified the procedure of trying children and has sought to take away as much as possible the appearance of a criminal trial and the stigma of a criminal conviction. No child can now be convicted of a crime unless the charge is murder. Except as stated below, children charged with an offense, which would be a crime — other than

Digitized by Google

murder — if committed by an adult, are convicted not of a crime, but of being juvenile delinquents. In New York City, Buffalo and Syracuse the suggestion of criminality is still further avoided by refraining from convicting the children at all, and by adjudging them instead to be in need of the care and protection of the State. In Monroe and Ontario Counties the criminal procedure in children's cases has been entirely done away with, and they are heard by a purely civil procedure. Under this procedure the children are adjudged to be in need of the care or discipline and protection of the State, and are made its wards.

9. **County Courts.** Each county has a county court which has criminal jurisdiction. The Court of General Sessions in New York county corresponds to the county court in other counties. The judge of the county court is the county judge. Certain counties also have an assistant county judge known as a special county judge.

10. **Supreme Court.** The Supreme court is composed of one hundred and two justices. It is divided into nine judicial districts, each of which has a certain number of Supreme court justices, usually residents of the district, assigned to it as trial justices during the year. Each year one or more trial terms are held by a justice of the district in each county of the district. The Supreme court has jurisdiction over any person indicted for a crime. In most counties only cases of murder in the first degree are tried in the Supreme court. In several of the smaller counties only the Supreme court has a grand jury, and where this is the case the indictments for crimes other than murder in the first degree are often transferred for trial or sentence to the county court. (*Judiciary Law*, § 140.)

11. **Grand Jury.** The Supreme and county courts in each of the more populous counties have grand juries, but in the smaller counties the county court is served by the grand jury of the Supreme court. Persons charged with a felony are held by the lower criminal court for indictment by the grand jury. If the grand jury fails to indict them they are forthwith released from custody or from bail. If such persons are indicted they are tried in either the county court or the Supreme court. The district attorney of the county or any member of the grand jury may also

Digitized by Google

present facts to the grand jury concerning alleged felonies or misdemeanors, and an indictment may be found against any persons who seem to have been guilty of such a crime. The proceedings of the grand jury are secret. (*Criminal Code*, § 222–267.)

12. **District Attorney.** Each county has a district attorney, whose duty it is to present facts to the grand jury upon which indictments can be found against persons suspected of having committed a crime within the county. The district attorney also acts as the public prosecuting attorney in the county court and the Supreme court. In New York City, Rochester and Syracuse, assistant district attorneys act as prosecuting attorneys in courts of special sessions.

13. **Trial Jury.** When a person is tried before a county court or Supreme court, the question of fact as to the guilt of the defendant is decided by a trial jury. The trial jury is selected for that term of the court, and is composed of jurors other than those composing the grand jury. The decision of the jury is called a verdict. The trial jury also decides the degree of the crime. If a defendant pleads guilty, it is unnecessary for the trial jury to render a verdict or to decide upon the degree of the crime. After a plea or verdict of guilty the sentence is imposed by the judge or justice of the court.

Courts of special sessions may try defendants with a trial jury, and must do so if a trial by jury is demanded by the defendant. (*Criminal Code* § 358.)

14. **Appellate Divisions.** The Supreme court in addition to being divided into nine districts and having trial terms, is divided also into four judicial departments for the hearing of cases on appeal. Each department includes one or more judicial districts, and has assigned to it a certain number of justices. Five justices sit in what is known as the Appellate Division of that department. The appellate divisions hear only cases on appeal. (*Judiciary Law*, § 70–72.)

15. **Court of Appeals.** The Court of Appeals, which sits only in Albany and which is composed of seven justices, sits only in cases appealed from an Appellate Division or a lower court.

Digitized by Google

APPENDIX D.

ILLUSTRATIVE CASE HISTORY.

[217]

Digitized by Google

Digitized by Google

ILLUSTRATIVE CASE HISTORY.

The question is often asked just what does a probation officer do for and with those placed under his care and just what happens when a person is placed on probation. It is self-evident that no two cases are alike, no two sets of circumstances are identical, and no two probationers have the same histories or personal qualities. It is believed, however, that a detailed statement of what actually occurred in connection with one probationer who was under supervision for a period of a year and a half may be of interest and value. The following is a record of such a case, taken from the probation records of the Erie County Court and sent to the Commission by Mr. Edwin J. Cooley, Chief Probation Officer. It includes a report of the preliminary investigation, a summary of the facts and circumstances leading up to the placing of the defendant on probation by the court, and a statement of the probation officer's relation to the probationer, with the results of his supervision.

THE OFFENSE.

July 7, 1911. On March 5, 1911, the defendant deserted his wife and five children, 10, 8, 6, 4 years, and 11 months of age, leaving them in destitute circumstances. He has contributed nothing toward their support since that time. Defendant went to Dunkirk, N. Y., and returned to Buffalo four days ago. He was arrested on July 6, 1911, by Dectective ——— of the ——— precinct.

PRELIMINARY INVESTIGATION.

The defendant is a man of Polish birth, 37 years of age, and thirty-three years in the United States. He is a Catholic. His physical condition is good. He has been married twelve years.

Three older children attend school. The wife does not work outside the home. The financial condition of the family is very poor.

The housing conditions are undesirable, the family living in three rooms in the rear of a two-family house which are unsanitary and crowded. The rent is $7 per month. Neighborhood influences are bad, the family living in a district densely populated by a low type of Polish people. There are numerous saloons near the home.

The man has a previous court record. On September 12, 18—, he was convicted of burglary in the third degree and sentenced to the Erie County Penitentiary for two years.

Defendant is a moulder by occupation and has worked in several large foundries in this city, earning good wages. He has a record of steady employment. At present he is out of work and has been so for two months, claiming

Digitized by Google

inability to find it. Several of the man's employers state that he is an efficient workman, although he drinks to excess frequently. Discouragement over his domestic difficulties has been given as the cause of his frequent over-indulgence in liquor.

Defendant claims that his wife is a heavy drinker, careless in her household affairs and he has some suspicion that she is immoral. The couple have been married twelve years and their marital difficulties have extended over a period of three or four years. Defendant does not want to live with his wife and desires to secure his children, for whom he appears to have some regard. Defendant attended a Polish parochial school for seven years but does not possess a very bright mentality. He is an easily influenced individual but is aggressive in manner.

July 11. Called at the home of defendant's wife. She is a Polish woman, 36 years of age. Found her at home with two neighbors. Home consists of three rooms in rear of house in which two other families live. The home is a squalid one and indicates that the wife is a careless and shiftless character. In regard to her husband, she claims that he is a heavy drinker and that he abuses her and the children. However, she desires him released in order that he may support the family. She informed me that the Charity Organization Society was supporting her and the children at the present time.

Talked with Miss ———, District Visitor of the Charity Organization Society. Miss ——— has made a very extensive investigation and study of this matter. She believes that both parties are to blame for the existing conditions. She is of the opinion, however, that the case is a proper one for probationary treatment and that under competent supervision there is a fair chance to remedy matters.

July 14. Facts reported to County Judge Taylor with recommendation that man be released on probation and ordered to pay his earnings to the probation office for the family's support. *Judge Taylor so ordered.*

RECORD OF PROBATION.

July 14. Talked with man at office immediately after his release by the Court. Instructed him as to the conditions of his probation. Endeavored to make him realize the moral obligation he owed to his children. Arranged for his reporting and payment of money through the probation office for the maintenance of his children. Man refused to live with his family and desired to secure possession of children. Went out with man and aided him in securing a good boarding-house.

July 15. Man reported at office at 9 a. m. Secured him position at the A. & B. foundry as a moulder. He will do piece work and will probably earn between $15 and $19 weekly.

July 18. Called at office of the Children's Aid Society and requested that the wife's character be investigated with the idea of taking children from her if it was shown she was an improper character.

July 21. Children's Aid Society reported that no definite information was at hand, indicating that the woman was immoral. They stated, however, that she is a shiftless, careless housekeeper.

July 22. Called at home of the wife. Found her intoxicated, house in unclean condition and children neglected. Two children were not in school,

Digitized by Google

one in house at the time and the other out in the street playing. Baby lying in bed in poor health, evidently from lack of proper nourishment. Talked to woman in a very strenuous fashion, advising her that I was considering having the children placed in an asylum. Woman appeared greatly disturbed and was lavish in her promises to do better.

Left the home and went to the office of the Charity Organization Society. Talked with the District Visitor who had family in charge. Discussed the situation and came to the conclusion that nothing should be done at the present time in regard to removing the children. District Visitor promised to visit the home as often as possible.

July 24. Spoke to special officers attached to the ——— precinct in which defendant's family lives and requested them to keep a friendly eye upon the family and advise me if they heard of them drinking or otherwise conducting themselves improperly. One of the officers, who is of the Polish race, is acquainted with the defendant and his wife and promised me his best co-operation.

Aug. 1. Man reported at office and paid $11. Talked to him regarding a reconciliation with his family and advised him of my efforts to aid family's condition. After going over the matter thoroughly, man asked for time to think the situation over, promising to let me know his decision the following week.

Called at home of wife. Gave her $11 after warning her that the money must be spent in a proper manner. Her handling of this money will serve as a test and indicate the proper course for the future. Appearance of home improved, although not up to standard.

Aug. 8. Man reported. Paid $14. Earned $19.50. Was still undecided about returning to his family. Desired children taken from wife. Claimed his mother would take care of them. Told him that we would not permit this arrangement at present. Talked to him one hour. Finally induced him to agree to return to his family.

Called at home of wife and gave her $14. Advised her of man's intentions. She received the matter indifferently. Told her that man would call in the evening and talk the matter over. Informed her that I desired family to move into a better locality.

Called at home with man in the evening and talked the situation over. The couple brought up the past but I finally induced them to consider the matter in a different light. It was agreed that wife was to look for a new house the following day.

Aug. 9. Woman called at office stating that she had found a small cottage in a good neighborhood which rented for $9 monthly. Communicated by telephone with husband advising him of the situation, also talked with defendant's foreman and arranged for his absence from work for half a day in order that he might help move.

Aug. 10. Family moved into new home.

Aug. 24. Have had no complaints in two weeks. Man reports each week paying from $14 to $17. Money sent to wife the following day.

Sept. 5. Man reported and paid $14. Stated that boy eight years old was ill. From his explanation of the matter I suspected that boy's illness was of a contagious nature.

Digitized by Google

Sept. 6. Called Health Department and requested that District Physician call at home. Physician called at office. Stated that boy had scarlet fever and that it would be necessary to commit him to the contagious hospital. Boy committed in the afternoon.

Sept. 9. Man called and stated wife had been drinking during the week. Claims she had sent eight-year-old girl to saloon for liquor.

Sept. 11. Called at home and found wife washing. She denied being intoxicated. Made complaint about man's conduct. Said he had been drinking and using abusive language to her. Warned wife to be careful of her conduct.

Stopped in and saw District Visitor of Charity Organization Society. Advised her of the situation and asked to keep a closer supervision over the family.

Sept. 12. Man reported at office and paid $14. Stated that he had worked but two days during the past week on account of slack work. Again complained that wife had been intoxicated and that she had refused to get his breakfast on two mornings. Stated he was forced to go to work without any meal or food for his lunch. Claimed wife was spending his money for liquor.

Sept. 18. Called at place of employment. Foreman informed me that man had been off two days on account of slack work, also stated that he had worked well since taking the position.

Called at home. Wife recovering from birth of baby several days old. She denied complaint of husband that she had been intoxicated. Advised her that in the future I would not turn over any money to her and that she must furnish me bills from grocer, butcher, etc. She agreed to do this. She made complaint against man. Stated he was drinking and did not go to church. Told her I would call in the evening.

Called in the evening and had long talk with couple. They both agreed to go to church Saturday evening and see the priest. Man had not been to church in two years.

Sept. 19. Called to see priest and advised him concerning the family. Asked him to have couple take pledge. He promised to do so.

Sept. 25. Went to see priest. He told me that the couple had called upon him, had taken the pledge and had gone to church Sunday morning. I asked him to exercise supervision over the family and he promised to let me know if the family did not go to church regularly.

Sept. 26. Man reported. Stated boy was released from contagious hospital. Had no complaints to make regarding wife.

Oct. 25. Called at home. Woman stated that baby was not well. Appeared to be suffering from lack of proper nourishment and right care.

Called at C. O. S. Talked to District Visitor. Requested her to secure fresh milk for baby. She thought it a good idea and promised to do so.

Returned to office and called District Nursing Association. Explained circumstances of family and asked that nurse be sent to home. Promised to do so.

Nov. 14. Man reported. Requested me to make an effort to secure release of ten-year-old boy who had been in Father Baker's Reformatory for past few months. Promised to help him in this respect.

Nov. 15. Called at Juvenile Court and explained situation to judge and probation officers. Informed them concerning family conditions and asked for release of boy. The judge finally consented to release him.

Digitized by Google

Nov. 23. Called at Reformatory with order from judge and took boy home. Mother delighted at boy's release. Warned them to send boy to school the following morning.

Nov. 28. Man reported and stated that he had been laid off at the iron works. Plant closed down for indefinite period. Advised him to call the next morning and I would secure him employment.

Nov. 29. Man called. I telephoned several foundries but they were unable to place him in view of the fact that work was slack. Finally located him with street railway company as laborer until favorable opportunity presented itself at one of the foundries. He was to receive $12 weekly.

Dec. 2. (Saturday evening). Made unexpected call at family home. Found man, wife, and children preparing to go to the "movies." Was agreeably surprised.

Dec. 12. Man reported. Stated that boy of ten years was giving trouble. Had not been to school in over a week. Had been expelled for incorrigibility. Claimed he was associating with bad crowd of young men near his home and remaining out late at night.

Dec. 13. 'Phoned principal of school No. 57. He advised me that boy had grown beyond his control and was a vicious character. Refused to allow him to return to school. Called principal of school No. 44. Explained circumstances and asked that the boy be allowed to enter school. Principal agreed to permit this on condition that boy report the following day.

Visited home and arranged with boy to go to school No. 44 on the following day.

Dec. 19. Man reported. Stated he had been informed that wife and a girl friend had visited house of questionable character. Requested me to speak to her regarding same.

Dec. 23. Called at home. Spoke to woman regarding man's complaint. Denied it absolutely. Requested that I make the fullest investigation.

Called at C. O. S. Spoke to District Visitor regarding complaint. She promised to look into the matter.

Dec. 26. Man reported. Stated he had heard that B. & T. foundry were employing help. Requested me to call superintendent and secure position, if possible.

Dec. 27. Called superintendent and induced him to employ man. Advised me to have man report at once. Called at man's home. Told his wife to advise man to go to work the next morning.

Dec. 28. District Visitor of C. O. S. called. Stated she had been unable to find any foundation for complaint. Advised me that woman's friend, who was living with her, ought to leave. Stated I would speak to man about having her go elsewhere.

Jan. 2, 1912. Man reported. Had been working at B. & T. foundry, earning from $18 to $19 weekly. Reported conditions at home satisfactory. Directed him to have girl friend of wife leave home.

Jan. 12. Man reported. Stated ten-year-old boy had been arrested for truancy. Was to be arraigned in court the following day.

Jan. 13. Called at Juvenile Court and spoke to Chief Probation Officer, relating the family conditions and requesting that boy be released on probation. Boy placed in charge of probation officer that afternoon.

Jan. 17. Called at home. Baby in poor health. Directed woman to go to dispensary immediately and secure milk.

Digitized by Google

Called dispensary in afternoon and found that woman had secured milk.

Jan. 30. Called at home. House in good order. Wife informed me that a woman from the dispensary had called and assisted her in cleaning home.

'Phoned District Visitor. Stated she had sent a Home Educator to the family home last week.

Feb. 8. Man reported. Stated ten-year-old boy had been arrested for stealing two pairs of shoes from the display counter of a dry goods store in the neighborhood. Was to be arraigned in court the following day.

Feb. 9. Called at Juvenile Court in afternoon. Boy's case was called and in view of the fact boy was already on probation, judge committed him to Father Baker's Reformatory for Boys.

Feb. 23. Called at home. Found man there. Had been injured at work and had been home for two days. Conditions satisfactory.

March 12. Made investigation as to whether or not man and wife were drinking. Found no evidence that they were.

Man reported in evening with his earnings as usual. Talked to him concerning pledge taken by wife and himself. Claimed that they had both kept the same.

March 19. Man reported. Had been laid off from work.

March 26. Man reported. Is again working at the foundry. Granted him permission to pay money at home instead of at office. Conditions at home satisfactory.

May 28. Man reported. Has been reporting regularly and working steadily. Has no complaints to make regarding wife.

July 9. Man reported. Informed me nine-year-old boy had been spending considerable time upon the streets since school closed for vacation. Requested my advice.

July 10. Called at boy's home and took him to the playground. Interviewed the director and acquainted him with the facts in the matter. He promised to take a special interest in the boy and I advised boy to report daily. Boy was playing basketball when I left.

July 13. Called at home. Found everything very satisfactory. Man working steadily and home in good condition. Woman advises that boy has taken a great interest in the playground; in fact, spends too much of his time there.

July 16. Man reported. Still working at the B. & T. foundry. Stated that baby was very sick and was under a physician's care.

July 23. Man reported. Stated baby had died on Saturday evening and had been buried next day.

Aug. 6. Man reported. Is still working at the B. & T. foundry, earning from $14 to $19 weekly. Tells me that wife is taking good care of her children and the home. Is well satisfied with her conduct.

Aug. 24. Visited home. Looks better than I have even seen it. Wife has purchased some new furniture. She tells me husband is turning over his earnings to her and that she is well satisfied with his conduct. Everything appears to be running smoothly.

Sept. 17. Woman reported with her husband. Everything satisfactory. Woman desires husband released from probation. Told her I would not agree to this at present time.

Digitized by Google

Sept. 30. Dropped in at home while investigating another case in the neighborhood. Conditions unchanged. Woman repeated her request to have husband released from probation.

Oct. 15. Man reported. Informed me he had been elected an official of the Moulders' Union. Was quite proud of the fact. Working at the same place.

Oct. 26. (Saturday evening.) Called at home at 7 p. m. Found family eating supper. Wife's brother with them. Received earnest invitation to partake of meal.

Nov. 5. Man reported with six-year-old boy. Boy looked healthy and was well clothed. Man seemed quite proud of child.

Dec. 21. Called at home. Woman not at home. Was informed by lady in the front of the house that she had gone to get some Christmas things for the children. She spoke well of the family and commented upon the man's improved conduct.

Dec. 31. Man reported at office. Showed me a card which he had received from Judge Taylor wishing him "Success and Happiness for the New Year." Man was quite proud of the fact that the judge had remembered him.

Jan. 7, 1913. Man reported at office. Still working at foundry, earning good wages. Well satisfied with employment and intends to stay at it. Inquired as to the termination of his probation.

Jan. 25. Called at the home. Conditions good. Informed wife that I intended to discharge man at a night session of the court on January 31st. This met with her approval. Told her I desired her to come up to court with him.

Jan. 31. Man, accompanied by wife, arraigned before Judge Taylor at a night session of the Court for the Discharge of Probationers. Man was discharged with the commendation of the court. Judge Taylor shook hands with him and wished him God-speed for the future. After the session the couple came over to the probation office and thanked him for his kindness to them.

Summary of Case.

Probation period, 1 year and 6 months.

Number of visits of man to office, 86.

Number of visits of probation officer to home, 23.

Amount paid for support of family, $1,023.75.

Paid at probation office, $119.

Total, $1,142.75.

Reported to State Probation Commission January, 1913, as discharged with improvement.

Digitized by Google

Digitized by Google

APPENDIX E.

SECTION I. PROBATION RULES OF THE BUFFALO CITY COURT. SECTION II. PROBATION RULES OF THE BUFFALO CHILDREN'S COURT.

NOTE.— In September, 1911, the judges of the Buffalo City Court requested the State Probation Commission to recommend a set of rules for the administration of their probation service. This was done by the Commission and the rules were adopted. During the month of February, 1912, the Commission also prepared a set of similar rules for the Buffalo Children's Court probation service which were immediately adopted by that court.

Inasmuch as these sets of rules were made very detailed and comprehensive, it has seemed wise to bring them in as an appendix to this manual.

Digitized by Google

Digitized by Google

SECTION I.

PROBATION RULES OF THE CITY COURT OF BUFFALO.

TABLE OF CONTENTS.

		PAGE
Rule 1.	Chief probation officer	229
2.	Probation officers	229
3.	Office and office hours	230
4.	Supplies and expenses	230
5.	Preliminary investigations	230
6.	Placing defendants on probation	230
7.	Period and conditions of probation	231
8.	Supervision and aid of probationers	231
9.	Probationers not to leave jurisdiction without permission	231
10.	Violations of probationary conditions; absconders	231
11.	Summons; warrants; arrests	232
12.	Discharge from, and revocation of, probation	232
13.	Docket entries and court records	232
14.	Records and reports; registrar	233
15.	Payments; receipts; accounts; cashier and bookkeeper; bonds	233
16.	Publicity	234
17.	Miscellaneous	234
18.	Amendments	234

Rule 1. Chief probation officer. The chief probation officer, subject to the direction of the judges, shall be the administrative head of the probation department of the court. He shall superintend the work of all other probation officers; require them to observe the provisions of the probation laws and of these rules; keep informed concerning their work and conduct, and report in writing to the judges concerning negligence, incompetency or misconduct on the part of any probation officer; secure and instruct volunteer assistants; have general charge of the probation office and its clerical force; attend to the official correspondence of the department; superintend the making of reports by probation officers, and the keeping of records and accounts; oversee all financial transactions of the office; secure the co-operation whenever necessary of officials and other persons and agencies in Buffalo and other parts of the State; compile statistics; publish an annual report; and perform such other duties as are prescribed in these rules and as may properly devolve upon him. He shall study the needs of the probation system, and when necessary make recommendations to the judges for its improvement. On or before the first day of February of each year, the chief probation officer shall file with the chief justice a statement of the appropriations which will be needed by the probation department for the ensuing fiscal year. Whenever the chief probation officer is absent from the office for any substantial length of time he shall designate some other probation officer as acting chief probation officer.

Rule 2. Probation officers. All salaried and all volunteer probation officers shall observe all the provisions of the probation laws and of these rules, and shall obey all instructions and orders of the chief probation officer, provided that the chief probation officer shall not make unreasonable demands on the

Digitized by Google

time or convenience of volunteers. All salaried probation officers shall devote their entire time to probation work, and shall engage in no other business or profession. Whenever any salaried probation officer is incapacitated by illness or is otherwise unable to perform his duties, except during vacation, he shall immediately notify the chief probation officer; and any volunteer probation officer who is to be out of the city for more than two weeks, shall also notify the chief probation officer. Each salaried probation officer shall have an annual vacation of two weeks.

All probation officers shall respect the rights of defendants, probationers and other persons, and shall at all times treat them with due courtesy and consideration. No probation officer shall represent to any person that by virtue of his office he possesses any powers or rights which he does not possess. No salaried probation officer shall recommend any attorney or bondsman to any defendant or any representative of any defendant; and no salaried probation officer, except the chief probation officer, shall request the release of any prisoner under the provisions of section 75 of the Buffalo City Court Act. No probation officer shall do any proselyting or interfere in any way with the religious beliefs or practices of defendants or probationers; or use his position for political or partisan purposes.

Rule 3. Office and Office Hours. The office of the probation department shall be in the City Court building, and shall be open daily from 8:30 a. m. to 4 p. m.; on Sundays and legal holidays from 8:30 a. m. until the last session of the court closes; and at such other times as the chief probation officer shall direct. The chief probation officer shall post a notice of the office hours in a conspicuous place, and shall see that some representative of the probation department is in the office at all times during the office hours.

Rule 4. Supplies and Expenses. All supplies for the probation department shall be ordered and distributed by the chief probation officer. Each probation officer shall keep an itemized account of all expenses incurred in the performance of his official duties, and on the first day of each month shall submit to the chief probation officer a bill, duly sworn to, for the preceding month's expenses. No such bill shall be paid unless approved in writing by the chief probation officer.

Rule 5. Preliminary Investigations. Unless otherwise directed by the court or judge, the assignments of probation officers to make preliminary investigations concerning defendants shall be made by the chief probation officer. The reports of probation offiers on preliminary investigations shall be in writing, and shall state the source from which the information was obtained. So far as desirable and practicable the probation officer making an investigation shall appear personally before the court or judge to explain or supplement the written report. Unless otherwise ordered by the court or judge, a copy of all reports of preliminary investigations shall be filed in the probation office.

Rule 6. Placing Defendants on Probation. No defendant, unless well known by a judge or probation officer, shall be placed on probation until after a preliminary investigation by a probation officer. Unless a probation officer is in the court-room when a defendant is placed on probation, or can be called to the court-room, the probationer shall at once be taken by a court attendant to the office of the chief probation officer. The chief probation officer, or, in his absence, some other probation officer, as soon as possible thereafter,

Digitized by Google

shall instruct the probationer concerning the probation, and shall give him a written statement of the period and conditions of his probation. If the probationer has been ordered by the court to pay moneys, while on probation, in the form of a fine, family-support, restitution or reparation, the chief probation officer, or probation officer, shall instruct the probationer concerning the payments he is to make, and shall furnish him with a copy of the official receipt he is to receive for each payment. The chief probation officer, unless otherwise directed by the judge, shall designate the probation officer who is to supervise the probationer and shall arrange for an early meeting between the probation officer and the probationer. The chief probation officer, with the consent of the proper judge, may at any time transfer a probationer to another probation officer. Male probationers shall be placed only under the supervision of male probation officers, and female probationers only under the supervision of female probation officers.

Rule 7. Period and Conditions of Probation. Unless otherwise directed by the court or the judge placing a defendant on probation, the probationary period shall be determined by the chief probation officer and shall be at least six months, subject to such modification as the court or judge may subsequently order.

The conditions of probation shall be fixed by the court or judge, unless in their discretion they authorize the chief probation officer to fix such conditions as are reasonable and just; provided, however, that the conditions fixed by the chief probation officer shall not be effective for more than one week, unless approved by the judge who placed the defendant on probation, or in his absence, by another judge.

Rule 8. Supervision and Aid of Probationers. Each probation officer, so far as practicable, and unless otherwise directed by the chief probation officer, shall visit each probationer under his care at least once a month, and shall require each such probationer to report in person to him at least weekly. The chief probation officer shall see that the reporting by probationers to the probation officers is carried on in such a manner as will secure proper privacy and will minimize the mingling of probationers. No female probationers shall report at the probation office while male probationers are reporting. No probation officer shall request any probationer to take a pledge without the approval of the judge who placed the person on probation or of the chief probation officer.

Rule 9. Probationers not to Leave Jurisdiction Without Permission. No probationer, unless so authorized by the court or judge, shall be permitted to leave the jurisdiction of the court for more than two days without written permission from the chief probation officer, and the chief probation officer shall grant such permission only when it seems consistent with the purposes of probation and important for the welfare of the probationer or for other valid reasons. The chief probation officer shall preserve a record of all probationers permitted to leave the jurisdiction of the court, and if they are to remain away for more than one month he shall employ such means as seem most practicable to maintain supervision over them while outside of such jurisdiction. So far as practicable, he shall request the co-operation of probation officers in the jurisdictions to which such probationers remove.

Rule 10. Violations of Probationary Conditions; Absconders. All violations or alleged violations of the probationary conditions shall be promptly investigated by the probation officer supervising the probationer. If the probation

Digitized by Google

officer finds the violation to be serious, or if he has reason to believe that a probationer has absconded or otherwise disappeared, without permission, from probationary oversight or the jurisdiction of the court, he shall forthwith report the facts to the chief probation officer.

Rule 11. Summons; Warrants; Arrests. If it seems important to the chief probation officer to have a probationer, who has violated his probation, appear before the court or judge, and if the probationer will probably not appear otherwise, the chief probation officer shall request the issuance of a summons or a warrant. If a probationer has absconded or otherwise disappeared without permission from probationary oversight or the jurisdiction of the court, the chief probation officer, unless otherwise able to secure either the early return of such probationer or a satisfactory explanation of his actions, shall request a warrant for his arrest. So far as practicable, warrants for the arrest of probationers shall be signed by the judge who placed such persons on probation. A summons for the appearance of any probationer shall be issued by the warrant clerk of the court upon the request of the chief probation officer.

The chief probation officer shall endeavor to have all such summons and warrants served as early as possible, and to locate all probationers for whom such a process has been issued and whose whereabouts are unknown. He shall keep a record of all such summons and warrants, including the names of the police officers or other persons requested to serve them; and he shall report in writing at least monthly to the proper judges concerning all probationers for whom a summons or warrant is outstanding. If the probationary period of any probationer for whom a summons or warrant has been issued, is about to expire before he has been brought before the court or judge, the chief probation officer shall request the court or judge to extend the probationary period as provided in subdivision 4 of section 11-a of the Code of Criminal Procedure. No probationer for whom a summons or warrant has been issued, and who fails to appear before the court or judge as required by such process, shall be discharged from probation within less than one year from the time of its issuance. The chief probation officer or any probation officer may request that probationers who appear in response to a summons be taken before the judge in his private office.

Rule 12. Discharge from, and Revocation of, Probation. So far as practicable, the discharge of probationers, and also the revocation of probation for violations of the probationary conditions, shall be by the judge who placed the persons on probation. The discharge of probationers shall be, so far as practicable, in the judge's private office or the probation office.

Rule 13. Docket Entries and Court Records. When a defendant is placed on probation, the judge or clerk of the Part shall enter on the docket the word "*Probation.*" In cases where the probationer is required, as one of the conditions of his probation, to pay family-support, the judge or clerk shall enter in the docket the words "*Probation — to pay family-support;*" and in cases where the probationer is to pay restitution, reparation or a fine, the words "*Probation — to pay restitution (reparation or a fine) of* $———." The clerk of each Part of the court shall keep a "Probation Book" in which shall be entered in chronological order the names of, and other data concerning, all defendants placed on probation in such Part, including the names of the respective probation officers, the kind and the amount of payments to be made by probationers, and the dates on which their probation is to end.

Digitized by Google

When any probationer finishes his probation, this fact together with the results of the probation shall also be entered in the "Probation Book."

Rule 14. Records and Reports; Registrar. The chief probation officer shall establish and maintain the system of records and reports, and of indexing and filing the same, provided by the State Probation Commission. He shall keep a card index of all probationers, and records showing the probationers assigned to each probation officer, the dates on which all probationary periods will expire, the probationers who are outside the jurisdiction of the court, those for whom summons or warrants have been issued, and other important facts. Each probation officer shall keep a written history of each of his probationers while on probation, and shall report at least monthly concerning each probation case, including violations of the probationary conditions, to the chief probation officer and to the judge who placed each person on probation, such reports, so far as practicable, to be in writing and supplemented by oral explanations. Each probation officer shall also make such other reports as the chief probation officer shall direct. Each probation officer shall notify the chief probation officer two weeks before the probationary period of each probationer is to expire, and shall arrange with the chief probation officer about making a final report on the case to the judge and about having the probationer brought before the court or judge for discharge or other disposition. So far as practicable, all records and reports shall be typewritten.

The chief judge shall designate an employee of the court under the title of registrar to have general charge of the indexing and filing of records. Unless permission is granted by a judge, the chief probation officer or the registrar, no index card shall be removed from the general index, and no records shall be removed from the probation office; provided, however, that any probation officer may temporarily remove the records of any of his cases from the office whenever necessary for the performance of his duties. The registrar shall keep a list of all records removed from the office, and shall see that they are returned as early as possible to their proper places. All records made or used by volunteer probation officers shall be delivered to the chief probation officer upon request or at the termination of each respective case. All records shall be guarded against inspection by persons not entitled to inspect them, and when not in use shall be kept locked. All reports of probation officers to the State Probation Commission shall be inspected by the chief probation officer or registrar before being sent to the Commission.

Rule 15. Payments; Receipts; Accounts; Cashier and Bookkeeper; Bonds. No payments of family-support, restitution, reparation or fines shall be received by any probation officer or other employee of the probation office, except at the probation office; and the recipient of each such payment shall give the payee an official receipt for the payment. Whenever a payment is received through the mail an official receipt shall be given or mailed to the probationer within twenty-four hours. The chief judge shall designate a probation officer or other employee of the court to act as cashier and bookkeeper, and so far as practicable, all payments shall be made to the cashier. All payments made to probation officers or other employees shall be delivered to the cashier as soon as possible. All such moneys when deposited in a bank shall be deposited in the name of the chief probation officer as trustee.

When a probationer is required to pay family-support, restitution or reparation, the chief probation officer shall at once notify the beneficiary of the fact and of the amounts to be paid. All disbursements in the form of

Digitized by Google

family-support, restitution and reparation shall be made as early as possible within forty-eight hours, and shall be made by the cashier. All fines collected from probationers shall be delivered to the chief clerk of the court on the day of their collection, or, if this is impossible, within the next twenty-four hours. A receipt for each disbursement, except those made by check, shall be kept in the probation office.

Whenever a probationer is permitted to make his payments directly to the beneficiary, he shall be required, unless otherwise directed by the chief probation officer, to receive receipts in duplicate from the beneficiary, and to deliver to the probation officer one such receipt for each such payment. The probation officer supervising such probationer shall endeavor to verify whether such payments have been made. The bookkeeper shall keep proper accounts of all such payments made by probationers directly to beneficiaries.

The cashier and bookkeeper shall keep a list of all probationers required to make payments, and shall keep accounts of all moneys received and disbursed, in the loose leaf ledgers and cash books provided by the State Probation Commission. The chief probation officer shall make a monthly written report of all arrears to the judges requiring the probationers to make payments.

The probation officers shall endeavor, so far as practicable, to have all payments by probationers paid from their own earnings. If any probation officer learns that the payments required of any probationer entail undue financial hardship upon him or those dependent upon him, the probation officer shall forthwith report the facts to the chief probation officer, and the chief probation officer in his discretion may request the court or judge to modify the court order requiring the payments. No probation officer shall assume the right to determine the amount or frequency of the payments to be made by probationers, except that the chief probation officer may exercise such right when so authorized in accordance with the provisions of Rule 7.

All probation officers who receive moneys from probationers, and the cashier, shall be under bonds.

Rule 16. Publicity. All probation officers shall avoid divulging any information concerning their investigations or probation work which will tend improperly to jeopardize the welfare of any defendant or probationer. No probation officer, except the chief probation officer, shall give any information or make any statements to newspaper representatives concerning defendants or probationers or the probation work of the court.

Rule 17. Miscellaneous. No probation officer or representative of the probation office shall write to or concerning any probationer on a postal card. Whenever it is especially desirable to protect the reputation of any defendant or probationer, correspondence from the probation office shall be written on plain paper.

So far as is possible without interfering with their own work, the probation officers, when so directed by the chief probation officer, shall assist the probation officers of other jurisdictions in investigating and supervising cases for them.

Rule 18. Amendments. Any of these rules may be temporarily suspended at any time by unanimous consent of the judges, or may be amended by majority vote of the judges.

Digitized by Google

SECTION II.

PROBATION RULES OF THE CHILDREN'S COURT OF BUFFALO.

TABLE OF CONTENTS.

		PAGE
Rule 1.	Chief probation officer	235
2.	Probation officers	235
3.	Offices	236
4.	Supplies and expenses	236
5.	Preliminary investigations	236
6.	Placing defendants on probation	236
7.	Period and conditions of probation	237
8.	Supervision and aid of probationers	237
9.	Probationers not to leave jurisdiction without permission	237
10.	Violations of probationary conditions; absconders	237
11.	Summons; warrants; arrests	238
12.	Discharge from probation	238
13.	Adult contributory delinquency	238
14.	Court records	238
15.	Probation records and reports	238
16.	Payments; receipts; accounts; cashier and bookkeeper; bonds	239
17.	Publicity	240
18.	Miscellaneous	240
19.	Amendments	240

Rule 1. Chief Probation Officer. The probation officer designated by the judge to act as chief probation officer, shall, subject to the direction of the judge, be the administrative head of the probation department of the court. He shall superintend the work of all other probation officers; require them to observe the provisions of the probation laws and of these rules; keep informed concerning their work and conduct, and report to the judge concerning negligence, incompetency or misconduct on the part of any probation officer; secure and instruct volunteer assistants; have general charge of the probation offices; attend to the official correspondence of the department; superintend the making of reports by probation officers, and the keeping of records and accounts; oversee all financial transactions of the department; secure the coöperation whenever necessary of officials and other persons and agencies in Buffalo and elsewhere; compile statistics; publish an annual report; and perform such other duties as are prescribed in these rules and as may properly devolve upon him. He shall study the needs of the probation system, and when necessary make recommendations to the judges for its improvement. On or before the first day of February of each year, the chief probation officer shall file with the judge a statement of the appropriations needed by the probation department for the ensuing fiscal year. Whenever the chief probation officer is absent from the office for any substantial length of time the judge shall designate another probation officer to act as chief probation officer during such period of absence.

Rule 2. Probation Officers. All salaried and all volunteer probation officers

Digitized by Google

shall observe all the provisions of the probation laws and of these rules, and shall obey all lawful instructions and orders of the chief probation officer, provided that the chief probation officer shall not make unreasonable demands on the time or convenience of volunteers. All salaried probation officers shall devote their entire time to probation work, and shall have no other occupation, business or profession. Whenever any salaried probation officer is incapacitated by illness or is otherwise unable to perform his duties, except during vacation, he shall immediately notify the chief probation officer; and any volunteer probation officer having a probationer under his care and about to be out of the city for more than one week, shall also notify the chief probation officer. Each salaried probation officer shall have an annual vacation of two weeks.

All probation officers shall respect scrupulously the constitutional rights of all children and other persons with whom they have dealings. No probation officer shall represent to any child or other person that by virtue of his office he possesses any powers or rights which he does not possess. No probation officer shall attempt to proselyte or in any way to interfere with the religious beliefs or practices of any child or adult brought before the court. No probation officer shall use his position for political or partisan purposes.

Rule 3. Offices. There shall be a probation office in the Juvenile Detention Home, and another in connection with the part of the court devoted to the trial of adults or at such other places as may be decided upon by the judge. Each office shall regularly be kept open during such hours as shall be decided upon by the chief probation officer with the approval of the judge.

Rule 4. Supplies and Expenses. All supplies for the probation department shall be ordered and distributed by the chief probation officer upon approval by the judge. Each salaried probation officer shall keep an itemized account of all expenses incurred in the performance of his official duties, and on the first day of each month shall submit to the chief probation officer a bill, duly sworn to, for the preceding month's expenses. No such bill shall be paid unless approved in writing by the chief probation officer and the judge.

Rule 5. Preliminary Investigations. Unless otherwise directed by the court or judge, the assignments of probation officers to make preliminary investigations concerning children and adults brought before the court shall be made by the chief probation officer. In making such investigations no probation officer shall question any defendant as to his guilt or innocence, or shall endeavor to secure information on this question. The reports of probation officers on preliminary investigations shall be in writing, and shall state the sources from which the statements made were obtained. So far as desirable and practicable the probation officer making an investigation shall appear personally before the court or judge to explain or supplement the written report. Unless otherwise ordered by the judge, a copy of all reports of preliminary investigations shall be filed with the probation records.

Rule 6. Placing Defendant on Probation. No child or adult defendant, unless well known by the judge or a probation officer, shall be placed on probation until after a preliminary investigation by a probation officer. When a child or adult defendant is placed on probation, the probationer, as soon as possible thereafter, shall be instructed concerning his probation, by the chief probation officer, or in his absence by another probation officer. Such chief or other probation officer shall give the probationer a written statement

Digitized by Google

of the period and conditions of the probation and take a written acknowledgment therefor, and shall instruct the probationer concerning the purposes and requirements of the probation. If the probationer has been ordered by the court to pay, while on probation, restitution, reparation or a fine, such probation officer shall instruct the probationer concerning the payments he is to make, and shall furnish him with a copy of the official receipt he is to receive for each payment. The chief probation officer, unless otherwise directed by the judge, shall designate the probation officer who is to supervise the probationer and shall arrange for an early meeting between the probation officer and the probationer. The chief probation officer, with the consent of the judge, may at any time transfer a probationer to another probation officer. Female probationers shall be placed under the supervision of female probation officers.

Rule 7. Period and Conditions of Probation. Unless otherwise directed by the court or the judge, the original probationary period shall be one year, subject to such modifications as the court or judge may subsequently order.

The judge may authorize the chief probation officer to determine requirements of probation supplementary to those determined by the court or judge.

Rule 8. Supervision and Aid of Probationers. Each probation officer, so far as practicable, and unless otherwise directed by the chief probation officer, shall visit each probationer under his care at least once a month, and shall require each such probationer to report in person to him at least weekly. The chief probation officer shall see that the reporting by probationers to the probation officers is carried on in such a manner as will secure reasonable privacy and will minimize the mingling of probationers. Neither boy and girl probationers, nor juvenile and adult probationers, shall be allowed to report personally at the probation office at the same time.

Rule 9. Probationers not to Leave Jurisdiction without Permission. No probationer, unless so authorized by the court or judge, shall be permitted to leave the city of Buffalo for more than two days without written permission from the chief probation officer, and the chief probation officer shall grant such permission for a period exceeding two days only when it seems consistent with the purposes of probation and important for the welfare of the probationer or for other valid reasons, provided that the chief probation officer shall not permit any probationer to remove permanently from the city without the special consent of the judge. The chief probation officer shall preserve a record of all probationers permitted to leave the jurisdiction of the court, and if they are to remain away for more than one month he shall employ such means as seem most practicable to maintain supervision over them while outside of such jurisdiction. So far as practicable, he shall request the coöperation of probation officers in the jurisdictions to which such probationers remove.

Rule 10. Violations of Probationary Conditions; Absconders. All alleged or apparent violations of the probationary conditions by any probationer shall be promptly investigated by the probation officer supervising the probationer. If the probation officer finds the violation to be serious, or if he has reason to believe that a probationer has absconded or otherwise disappeared, without permission, from probationary oversight or from the jurisdiction of the court, he shall forthwith report the facts to the chief probation officer.

Digitized by Google

Rule 11. Summons; Warrants; Arrests. If it seems important to the chief probation officer to have a probationer, who has violated his probation, appear before the court or judge, and if the appearance of the probationer cannot be secured otherwise, the chief probation officer shall request the issuance of a summons or a warrant. If a probationer has absconded or otherwise disappeared from probationary oversight or from the jurisdiction of the court without permission, the chief probation officer, unless otherwise able to secure either the early return of such probationer or a satisfactory explanation of his action, shall request a warrant for his arrest.

The chief probation officer shall endeavor to have all such summons and warrants served as early as possible, and to assist in locating all probationers for whom such a process has been issued and whose whereabouts are unknown. He shall keep a record of all such summons and warrants, including the names of the police officers or other persons requested to serve them; and shall report in writing at least monthly to the judge concerning all probationers for whom a summons or warrant is outstanding. If the probationary period of any probationer for whom a summons or warrant has been issued, is about to expire before he has been brought before the court or judge, the chief probation officer shall inform the court or judge of the fact and may request that the probationary period be extended as provided in subdivision 4 of section 11-a of the Code of Criminal Procedure.

Rule 12. Discharge from Probation. Each probation officer shall notify the chief probation officer two weeks before the probationary period of each probationer is to expire, and shall arrange with the chief probation officer to make a final report on the case to the judge, and to have the probationer brought before the judge for discharge or other disposition.

Rule 13. Adult Contributory Delinquency. Whenever adults are placed under the oversight of a probation officer, as provided in subdivision 2 of section 494 of the Penal Law, the probation officer shall keep records of such cases and make reports thereof as provided for regular probation cases by Rule 14.

Rule 14. Court Records. When a child or adult defendant is placed on probation, the judge shall sign a probation order which shall be filed with the court records of the case, and the judge or clerk shall enter on the docket the word — "Probation." In cases where the probationer is required, as one of the conditions of his probation, to pay a fine, restitution or reparation, the judge or clerk shall enter on the docket the words — "Probation — to pay a fine or (restitution or reparation to ————) of $———." In cases where an adult charged with contributing to the delinquency of a child is placed on probation, as provided in section 494 of the Penal Law, without conviction, the corresponding entry on the docket shall be — "Probation upon consent." The clerk shall keep two "Probation Books," one for cases of children and the other for cases of adults, and in the proper book shall enter, in chronological order, the names of, and other data concerning, all children or adult defendants, as the case may be, placed on probation. When any probationer finishes his probation, this fact together with the results of the probation shall also be entered in the proper "Probation Book."

Rule 15. Probation Records and Reports. The chief probation officer shall establish and maintain the system of records and reports, and of indexing and filing the same, provided by the State Probation Commission. He shall

Digitized by Google

keep a card index of all juvenile probationers and another of all adult probationers, together with records showing the probationers assigned to each probation officer, the dates on which all probationary periods expire, the probationers who are outside the jurisdiction of the court, those for whom summons or warrants have been issued, and other important facts. Each probation officer shall keep a written history of each of his probationers while on probation, and shall report at least monthly concerning each probation case, including violations of the probationary conditions, to the chief probation officer and to the judge who placed each such person on probation, such reports, so far as practicable, to be in writing and supplemented by oral explanations. Each probation officer shall also make such other reports as the chief probation officer shall direct. So far as practicable, all records and reports shall be typewritten.

Unless permission is granted by the judge or the chief probation officer, no index card shall be removed from the general index, and no records shall be removed from the probation office; provided, however, that any probation officer, upon notifying the chief probation officer in writing, may temporarily remove the records of any of his cases from the office whenever necessary in connection with the performance of his duties. The chief probation officer shall keep a list of all records removed from the office, and shall see that they are returned to their proper places. All records made or used by volunteer probation officers at their homes shall be delivered to the chief probation officer upon request or at the termination of each respective case. All records shall be guarded against indiscriminate inspection by persons not entitled to inspect them, and when not in use shall be kept locked. All reports of probation officers to the State Probation Commission shall be inspected by the chief probation officer before being sent to the Commission.

Rule 16. Payments; Receipts; Accounts; Cashier and Bookkeeper; Bonds. Any probation officer or other employee of the court upon receiving a payment of restitution, reparation or an instalment fine from any probationer or any representative of any probationer, shall give the payee an official receipt for the payment. Whenever such a payment is received through the mail an official receipt shall be given or mailed to the probationer within twenty-four hours. All such payments if made to probation officers or other employees of the court shall be delivered to the chief probation officer as soon as possible. All such moneys when deposited in a bank shall be deposited in the name of the chief probation officer as trustee. Unless otherwise directed by the judge all disbursements in the form of restitution and reparation shall be made as early as possible within forty-eight hours, and shall be made by the chief probation officer and so far as practicable by check. All fines collected from probationers shall be delivered to the clerk of the court on the day of their collection, or, if this is impossible, within the next twenty-four hours. A receipt for each disbursement, except those made by check, shall be kept in the probation office.

Whenever a probationer is permitted to make his payments directly to the beneficiary, he shall be required, unless otherwise directed by the chief probation officer, to receive receipts in duplicate from the beneficiary, and to deliver to the probation officer one such receipt for each such payment. The probation officer supervising such probationer shall endeavor to verify whether such payments have been made.

Digitized by Google

The chief probation officer shall keep a list of all probationers required to make payments, and shall keep accounts of all moneys received and disbursed, in the loose-leaf ledgers and cash-books provided by the State Probation Commission. The chief probation officer shall make a monthly written report of all arrears to the judges requiring the probationers to make payments. The judge may require any probation officer who collects considerable amounts of money to give a bond.

The probation officers shall endeavor, so far as practicable, to have all payments by probationers paid from their own earnings. If any probation officer learns that the payments required of any probationer entail undue financial hardship upon him or those dependent upon him, the probation officer shall forthwith report the facts to the chief probation officer and the judge.

Rule 17. Publicity. All probation officers shall avoid divulging any information concerning their investigations or probation work which will tend improperly to jeopardize the welfare of any child or adult defendant or probationer. No probation officer, except the chief probation officer, shall give any information or make any statements to newspaper representatives concerning defendants or probationers.

Rule 18. Miscellaneous. No probation officer or representative of the probation office shall write to, or concerning, any probationer on a postal card. Whenever it is especially desirable to protect the reputation of any child or adult defendant or probationer, correspondence from the probation office shall be written on plain paper and be enclosed in an envelope which does not indicate that it is sent by a probation officer.

So far as is possible without interfering with their own work, the probation officers, when so directed by their chief probation officer, shall assist the probation officers of other jurisdictions in investigating and supervising cases for them.

Rule 19. Amendments. Any of these rules may at any time be amended, repealed or temporarily suspended by the judge.

Digitized by Google

APPENDIX F.

LITERATURE PUBLISHED BY THE STATE PROBATION COMMISSION.

[241]

Digitized by Google

Digitized by Google

LITERATURE PUBLISHED BY THE STATE PROBATION COMMISSION.*

(Arranged in chronological order)

Annual Reports.

First report of the State Probation Commission for the six months ending December 31, 1907. (217 pages, 1908.)
Out of print.

Second annual report of the State Probation Commission for the year ending December 31, 1908. (150 pages, 1909).
Out of print.

Third annual report of the State Probation Commission for the year ending December 31, 1909. (216 pages, 1910).
Out of print.

Fourth annual report of the State Probation Commission for the year ending December 31, 1910. (270 pages, 1911.)
Out of print.

Fifth annual report of the State Probation Commission for the year ending December 31, 1911. (426 pages, 1912.)

Sixth annual report of the State Probation Commission for the year ending Sempteber 30, 1912. (384 pages, 1913.)

Addresses, Leaflets and Pamphlets, Other Than Directories.

A study of Probation in Yonkers. (43 pages, 1907. Reprinted in First Report.) *Out of print.*

Recommendations for a Chief Probation Officer in the Juvenile Court of Rochester. (10 pages, 1908. Reprinted in Second Report.) *Out of print.*

Catechism of Probation, by Dr. Charles F. McKenna. (8 pages. Adopted as a publication of the Commission in 1908.)
Out of print.

Forms for Juvenile and Adult Probation with Suggestions as to their Use. (27 pages, 1908.) *Superseded.*

---

* *See also Manual*, § 112.

Digitized by Google

Illustrative Cases of Probation. Taken from the Annual Report of the State Probation Commission for 1908. (4 pages, 1909.)

Advantages of Probation. (16 pages, 1909.)

County Probation Officers. (12 pages, 1909. Latest revised edition, December, 1912.)

Probation or Jail. (4 pages, 1909.)

What Probation Does; The Story of John. (4 pages, 1909.)

The Prosecution of Parents for the Delinquencies of Their Children, by Frank E. Wade. (Address at the 36th National Conference of Charities and Correction, 12 pages, 1909.)

Probation. An address by Edwin Mulready, Deputy Commissioner of the Massachusetts State Probation Commission. (Address at the Conference of Probation Officers held by the New York State Probation Commission, Albany, November 16, 1909, 8 pages, 1910.)

The Possible Co-ordination of the Correctional Institutions of the State of New York, by Dr. O. F. Lewis, Corresponding Secretary of the Prison Association of New York. (1909.) (Address at the State Conference of Charities and Correction, Albany, November 18, 1909, 17 pages.)

Proceedings of the First Conference of City Mgaistrates held by the New York State Probation Commission, Albany, December 10 and 11, 1909. (75 pages, 1910. Reprinted in Third Annual Report.)

Recommendations of the State Probation Commission to the Judges of the Court of General Sessions of New York County. (10 pages, 1910. Reprinted in Fourth Annual Report.)

Recommendations of the State Probation Commission Concerning a Juvenile Detention Home and a Woman Probation Officer in Syracuse. (11 pages. Reprinted in Fifth Annual Report.)

The Treatment of Delinquents Before and After the Institution. (Address by Arthur W. Towne, at the New York State Conference of Charities and Correction at Watertown, October 19, 1911, 6 pages, 1911.)

Out of print.

Digitized by Google

The Treatment of Young Misdemeanants. (Address by Frank E. Wade, at the New York State Conference of Magistrates, Albany, December 8, 1911, 8 pages. Reprinted in the 1912 reports of the Prison Commission and of the Prison Association.)

Probation Rules of the City Court of Buffalo. (29 pages, 1911. Reprinted in Fifth Annual Report.)

Probation Rules of the Children's Court of Buffalo. (17 pages, 1912. Reprinted in Fifth Annual Report.)

Probation in Cases of Children. An address by Justice Morgan M. L. Ryan of the Children's Courts, New York City, before the Fourth Conference of the New York State Association of Magistrates. (7 pages, 1912. Reprinted in Sixth Annual Report.)

Probation Results in Syracuse. Extracts from a Report by the Secretary. (7 pages, 1912.)

The Physical Basis for Irritability in Boys — The Beginning of Juvenile Delinquency, by Dr. John Adams Colliver, Medical Probation Officer, Juvenile Court, Los Angeles, Cal. (12 pages, 1913.)

Digitized by Google

Digitized by Google

APPENDIX G.

SAMPLE SET OF QUESTIONS USED IN WRITTEN EXAMINATION FOR PROBATION OFFICER.

[247]

Digitized by Google

Digitized by Google

SAMPLE SET OF QUESTIONS USED IN A WRITTEN EXAMINATION FOR PROBATION OFFICER.*

1. State in your own language (a) the nature, objects and advantages of probation; (b) the classes of persons for whom probation is especially suitable.

2. What are the powers and duties of probation officers?

3. Assume that a thirteen year-old boy, arrested for playing baseball on private grounds is transferred by the court to your probationary care, after being on probation for one month under a volunteer probation officer who reported to the court that the boy failed to report to him promptly as he required and who made other criticisms of his conduct; assume that the boy lives in a three room apartment in a congested district; that his father, a painter who shows some signs of lead poisoning, is fretful and has lately been drinking to excess; that the father occasionally sends the boy to a neighboring saloon for beer; that the mother, who has two other children, is a good housekeeper and fond of her children; that the boy is bright in school, peddles papers, is a leader among his boy companions, but is inclined to be impudent. State what steps you would take after receiving the boy on probation and how long you would wish to keep the boy on probation.

4. Enumerate or discuss some of the chief causes of (a) truancy; (b) petty thieving among boys; (c) public intoxication among men; (d) failure of husbands to support their families.

5. (a) What are the purposes of the preliminary investigations made by probation officers before defendants are placed on probation or their cases are otherwise disposed of by the court? (b) Assume that in investigating the case of a young man, convicted of stealing and pawning an overcoat which belonged to a commercial traveler, you receive a report from an anonymous source that the defendant has been arrested before, and you also receive a telephone call from a well-known citizen who states

* Used in Syracuse, November 5, 1910.

Digitized by Google

that he has known him very favorably for several years; assume further, that the defendant has a comfortable home and good parents; that he had been unemployed for about one month; that he has been engaged to be married for two years; that he has indications of tuberculosis. After assuming any supplementary facts you may desire, state what inquiries you would make; and whether in your judgment the young man should be placed on probation, and if not, what disposition by the court you would consider desirable. Give the reasons for your conclusion.

6. (a) By whom are probation officers appointed; (b) what qualifications should probation officers possess; (c) discuss the advantages and disadvantages of using volunteer probation officers.

7. (a) Why should probation officers keep records and make reports; state the principal facts which their records and reports should show; (c) what records, accounts, statistics and information should be kept by the chief probation officer, which other probation officers are not expected to keep?

8. Assume that a fourteen year-old girl, living in a lodging house for men where her mother is employed as a cook, is convicted of stealing a mask on Hallowe'en Day; that the father who died last year left the mother $1,000 insurance; that the girl is large of her age and goes a great deal with a girl sixteen years old; that she has frequent headaches, especially after reading; that she is fond of music; and that her mother declares her to be untruthful. State (a) whether in your judgment the girl should be placed on probation, and the reasons for your answer; (b) Were she to be placed on probation, what sort of a person would make the best probation officer; and (c) what probationary treatment would you suggest?

9. Assume that an unmarried foreigner, 27 years of age, who has lived in the United States less than one year and who speaks very little English, is convicted of peddling without a license and being abusive to a policeman, and is placed under your probationary care for not less than six months; that in his native country he was a gardener and florist; that he has been unemployed much of the time lately, and has borrowed money from

Digitized by Google

one of the two fellow countrymen with whom he lives in a single room; that a few hours after being placed on probation he strikes a boy for ridiculing his appearance. State what you would aim to accomplish, and what means you would use.

10. Were you to be appointed chief probation officer, how would you expect to develop and strengthen the probation work in your city?

Digitized by Google

Digitized by Google

INDEX.

A.

PAGE

Absconders:
extension of probationary period in cases of..... 48
extradition of 48
Accounts, financial 63, 109
Accounts of probation officers' expenses..... 112
Accounts of relief..... 113
Addresses of probation officers, changes in..... 130
Adult contributory delinquency:
powers in cases of..... 66
probation in cases of..... 46
Aid by probation officers..... 41
Appeals by probationers..... 52
Appointment of probation officers.....23, 113

B.

Bench warrant 48
Bonds for probation officers..... 31
Buffalo Court rules..... 227

C.

Case history of probation..... 217
Chief probation officers..... 31
Citations of probation laws.....19, 21
Civil service, examinations for probation officers.....26, 247
Commitment 49
Compensation of probation officers..... 23
Conditions of probationers.....42, 60
Conduct and condition of probationers.....60, 61
Conferences of magistrates..... 127
Conferences of probation officers..... 127
Co-operation among probation officers..... 130
County probation officers..... 29
Court procedure and practice..... 33
Court records 69
Court:
reports to 62
surrender to 48
Criminal and children's courts in New York State(system of..... 209

D.

Defendants, placing, on probation..... 39
Definitions of terms dealing with probation..... 10
Detailed probation officers..... 28

Digitized by Google

PAGE
Development of probation in New York State..... 119
Discharge of probationers..... 50
Duties of probation officers.....58, 63, 64

E.

Examination for probation officers, civil service.....26, 247
Execution of sentence, suspension of..... 37
Expenses of probation officers.....29, 112
Extension of probationary period in cases of absconders..... 48
Extradition of absconders..... 48

F.

Family support, payments for..... 46
Filing and indexing system..... 106
Financial accounts 63
Fines, payment of, by probationers..... 44
Forms:
directions concerning use of..... 71
directions for ordering..... 108
supplied by commission..... 70

H.

History of State investigation of supervision..... 121

I.

Imposition of sentence, suspension of..... 37
Indexing and filing system..... 106
Informal probation 53
International Prison Congress, resolutions adopted by..... 130
Investigations, preliminary 35, 59

J.

Jurisdiction of probation officers.....29, 57

L.

Laws on probation:
analysis and explanation of..... 23
citations of 19, 21
text of 133
Literature on probation.....128, 241

M.

Magistrates, conferences of..... 127
Magistrate, reports to..... 62
Modification of probationary period and conditions..... 43

Digitized by Google

N.

PAGE
Neglected children, supervision of 129
Newspaper publicity 129
Non-compliance with probationary conditions 47
Non-support, payments in cases of 46

O.

Oath of office 27, 57
Office quarters and equipment of probation officers 128
Office:
removal from 28
tenure of 28
Oversight of persons paroled from institutions 63

P.

Parole from institutions 53
Period of probation 41
Persons paroled from institutions, oversight of 63
Placing defendants on probation 39
Powers in cases of adult contributory delinquency 66
Preliminary investigations by probation officers 35, 59
Probation:
court procedure and practice concerning 33
development of, in New York State 119
in cases of adult contributory delinquency 46
informal and unofficial 53
revocation of 49
statistics of 187
Probation Commission, members of 1
Probation laws:
analysis and explanation of 23
citations of 19, 21
text of 133
Probation officers:
addresses of, changes in 130
appointment and compensation of 23
conferences of 127
co-operation among 130
examination for, questions used in 247
reports to State Probation Commission 113, 116
Probationary conditions 42, 60
Probationary conditions, violations of 47
Probationary period 41, 60
Probationary period, in cases of absconders 48
Probationary period and conditions, modification of 43
Probationary treatment, persons eligible and suitable for 36
Probationers:
appeals by 52
discharge of 50

Digitized by Google

Probationers — *Continued:* PAGE
power of arresting 65
power of requiring reports from 65
power of visiting 65
rearrest of 48
transfer of 50, 51
Publicity, newspaper 129

Q.

Questions used in written examination for probation officers 247

R.

Rearrest of probationers 48
Receipts 63
Records, court 69
Records of work 62, 70
Release on parole from institution under probation officer 53
Relief, accounts of 113
Removal of probation officer from office 28
Removal of probation officer 113
Reparation by probationers 45
Reports:
to court 62, 70
to State Probation Commission 63, 113, 116
Resolutions on probation adopted by Prison Congress 130
Restitution by probationers 45
Return and surrender to court of probationer 48
Resignations by probation officers 113
Revocation of probation 49
Rules of Buffalo Children's and City Courts 227

S.

Salaried probation officers 28
Sentence:
suspension of execution of 37
suspension of imposition of 37
State investigation and supervision, history of 121
State Probation Commission:
duties and powers of 121
law 121
members of 1
methods of work 122
organization and employees of 121
reports to 63, 113, 116
Statistical tables on probation 187
Statistics of probation 116
Statutory duties of probation officers 58

Digitized by Google

PAGE
Supervision by probation officers 41
Supervision of neglected children 129
Support of wife and children by probationers 46
Surrender to court of probationer 48

T.

Tenure of office 28
Transfer of probationer 50, 51

U.

Unofficial probation 53

V.

Violations of probationary conditions 47
Volunteer probation officers 29

W.

Warrant, bench 48
Women probation officers 31
Work, records of 62
Work of Commission, methods of 122

Digitized by Google

MEMORANDA.

Digitized by Google

MEMORANDA.

Digitized by Google

CALENDAR.

1913

July

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

September

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

1914

January

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

March

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

July

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

August

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

October

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

November

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

December

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

1915

January

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

February

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

March

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

April

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

May

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

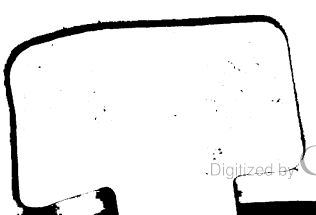
June

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Digitized by Google

Digitized by Google

Digitized by Google


Digitized by Google

Digitized by Google